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ABSTRACT

Updating the Administration for Children, Youth and Families' 1978 "Comparative Licensing Study," a study was conducted to provide a common framework for assessing state activities in critical child care licensing areas and to record the status of child care licensing as of March 1981 in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The updated, six-volume comparative licensing study improves the format of the original (e.g., gives greater prominence to group size and infant care) and contains detailed information on state laws and regulations dealing with family child care homes, group child care homes, and day care centers. The format consists of the following categories: (1) state licensing of child day care facilities; (2) licensing process and enforcement procedures; (3) administration; (4) group compositions of children; (5) staff qualifications and training requirements; (6) program of activities, including education; (7) health and safety; (8) nutrition and food services; (9) social services; (10) parent participation; (11) infants and toddlers; (12) children with handicapping conditions; (13) school age children; (14) facility requirements; and (15) other state requirements - compliance with other local, state, and regional laws and regulations. Volume 3 profiles requirements of day care centers in Nevada, New Hampshire, New Jersey, New Mexico, New York State, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, and South Carolina. In some profiles, some categories are not detailed. (RH)

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COMPARATIVE LICENSING STUDY

Profiles of State Day Care Licensing Requirements

DAY CARE CENTERS

Revised Edition 1981

Volume 3 Nevada - South Carolina

produced for

Dr. Raymond C. Collins
Government Project Officer
The Office of Program Development
Office of Developmental Services
Administration for Children, Youth and Families
Office of Human Development Services
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by

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Except where otherwise noted, all citations are from the Nevada Department of Human Resources, Regulations and Standards for Child Care Facilities, February, 1980 (as amended December, 1980).

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Article I - Definitions.

"Child care center" means any facility which regularly provides day or night care for more than 12 children, including children of preschool age who live in the facility.

Article I - Definitions.

As provided in subsection 4 of NRS 432A.020 "'child care facility' means an establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis during the day or overnight, for compensation, to five or more children under 18 years of age.

Article I - Definitions.

"Child care system" means an organization of individual child care facilities wherein each facility is associated with a licensed central operator by exclusive contractual agreement which provides for the admission of children and requires the central operator to provide the facility with central services, including consultation, technical assistance, training, supervision, evaluation and the provision of health and social services or the referral to other persons or entities for health and social services.

Article I - Definitions.

"Facility" means a child care facility.

"Family child care home" means any facility in which care is regularly provided, without the presence of parents, for at least five and not more than six children, including children of preschool age who live in the facility.

"Group child care home" means any facility in which care is regularly provided for no less than seven and no more than 12 children, including the children of preschool age who live in the facility.

"Infant and toddler nursery" means any facility which provides care for nine or more children under 2 years of age and which does not provide care for any children 3 years of age or older.

Article I - Definitions.

"Preschool" means a facility which has established specific goals to enhance each child's cognitive, social, emotional, physical and creative development. A preschool may allow the number of children stated on its license to participate in the program for four or fewer hours per day.

112. Exclusions and Exemptions

Article I - Definitions.

"Child care facility" does not include:

The home of natural parent or guardian, foster home as defined in chapter 424 of NRS or maternity home; or

A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility."

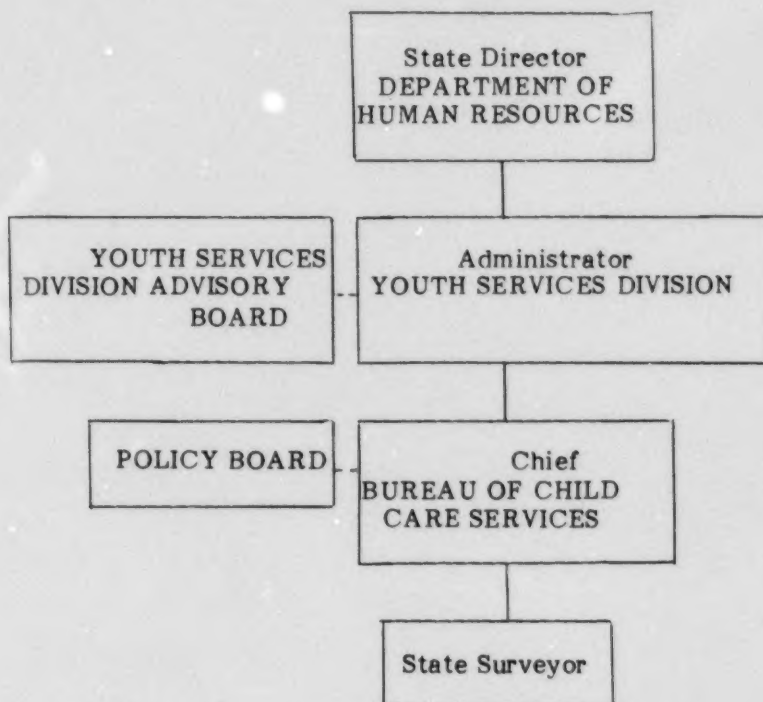
A "child care facility" for purposes of these regulations does not include any "child care institution" operated by the State of Nevada or political subdivision or school district.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



For those sections of the state which are regulated by the Department of Human Resources, licenses are issued from the state central office. The state surveyor serves as assistant to the chief of the Bureau of Child Care Services and as the state's only licensor. Carson City Health Department, Washoe County Health Department, Clark County Health Department, and the City of Las Vegas all regulate day care programs in their own jurisdictions using their own regulations. State central office staff are available to provide technical assistance upon request but have no legal oversight over the local jurisdictions.

122. Responsible Official

All inquiries should be addressed to:

State Surveyor
Bureau of Child Care Services
Youth Services Division
Department of Human Resources
Kinkead Building
505 E. King Street
Carson City, Nevada 89710
(702) 885-5911

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

Article II - Administration of Licensing Powers.

The bureau's power to license child care facilities is set forth in NRS 432A.131, which states:

Except as otherwise provided in subsection 2, the bureau is the sole agency with authority to license child care facilities.

Child care facilities in any county or incorporated city where the governing body has established a child care licensing agency and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the bureau. Such a licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

Must be not less restrictive than those adopted by the bureau.

Take effect only upon their approval by the bureau.

Article II - Administration of Licensing Powers.

Any county or city which has established a child care licensing agency must file for review a copy of any proposed ordinance or regulation for licensing child care facilities with the bureau not later than 30 days before public hearings are held on the proposed ordinance or regulation. An ordinance or regulation enacted or adopted by a county or city must be filed with the bureau within 30 days after enactment or adoption. Ordinances and regulations enacted or adopted before the effective date of these regulations need not be submitted to the bureau.

Every local licensing agency shall monthly submit to the bureau a roster of all facilities in their jurisdiction which are currently licensed.

212. Advisory Body and Other Community Participation

NEV. REV. STAT. § 432A.071 Board for child care: Creation; composition.

The board for child care is hereby created.

The board consists of three members appointed by the administrator of the youth services division of the department with the concurrence of the director.

NEV. REV. STAT. § 432A.073 Board for child care: Qualifications of members.

Of the members of the board appointed:

One member must be licensed to practice a profession in the field of health care;

One member may be selected from a list of nominees submitted by an organization which represents consumers or educators; and

One member may be selected from a list of nominees submitted by an organization which represents persons who provide child care services.

All members must be selected on the basis of their experience and interest in child care services or programs.

Members of the board serve at the pleasure of the administrator, but no appointment may extend beyond 3 years from the date of expiration of the preceding appointment.

NEV. REV. STAT. § 432.077 Board for child care: General duties.

The board shall adopt:

Licensing standards for child care facilities.

Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

The board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

NEV. REV. STAT § 432A.079 Board for child care: Policy providing for coordination among agencies.

The board shall establish a policy providing for coordination among all interested public, private and commercial agencies or entities to foster their cooperation in the interests of:

Improving the quality of child care services offered by each participating agency and entity.

Ensuring continuity in the program of community child care for each family.

Reaching the maximum number of families possible within available resources, with top priority given to low-income families.

Increasing opportunities for developing staff competence and career development within and between cooperating agencies and entities.

Developing the most efficient, effective and economical methods for providing services to children and families.

Ensuring an effective voice by parents of children receiving child care in the policy for and direction of programs.

Mobilizing the resources of the community in such a manner as to ensure maximum public, private and individual commitment to provide expanded child care.

Such a policy must be primarily concerned with the coordination of day care and preschool programs, and also be concerned with:

Availability of other needed services for children in preschool or day care programs;

Availability of needed services for children of school age; and

Coordination of community services with preschool or day care programs.

220. LICENSING PROCEDURE

221. Application and Issuance

Article II - Administration of Licensing Powers.

Applicants for a license to operate a facility must also communicate with the licensing agency in their geographical area.

In exercising the responsibilities of approving, renewing, suspending or revoking a license, the bureau may investigate any applicant for or holder of a license.

Article III - Licensure.

Requirement. Except as provided in subsection 2 of NRS 432A.131, a person shall not operate a facility without a license from the bureau.

Procedure for applying for a license:

An application for an initial license to operate a facility must be made to the bureau on a form supplied by the bureau.

Article III - Licensure.

Licenses - general requirements:

Each license must contain the name of each person authorized to operate the facility, the location of the facility, the number of children for whom care may be provided pursuant to the license and the nature of child care services which may be provided pursuant to the license.

The license issued to a facility must be signed by the chief and conspicuously posted in a public place within the facility.

The license is not transferable from a licensee to another licensee or from a licensee to a person who is not a licensee. A license is valid only for the premises described in the license.

A facility shall not, except as provided otherwise in these regulations, accept for care a greater number of children than the number set forth on the license issued to the facility.

Article III - Licensure.

Relocation, construction or remodeling of facilities:

Purchase or lease of an existing facility. A building used as a facility must, upon a change of operating ownership, comply with these regulations and applicable building and safety codes. With the written permission of the owner or lessee, the bureau shall furnish to a prospective licensee information about changes to the building which are needed to comply with these regulations and any history of deficiencies found in the building.

Use of any building not previously licensed. If a building is to be used as a facility, and that building has never been used for such a purpose, the bureau shall, upon the request of an applicant, perform a survey of the building in conjunction with the inspection by the office of the state fire marshal and shall furnish to the applicant a written statement of its findings. A license for the facility may be issued if the facility complies with these regulations.

New construction or remodeling. The building plans for the construction of a new facility or the remodeling of an existing facility must be submitted to the bureau for review before commencement of actual construction. Review of the plans does not constitute approval of an application for a license.

222. Fee Charged

Article III - Licensure.

Procedure for applying for a license:

The application must be accompanied by a fee of \$0.50 for each of the maximum number of children for whom care may be provided pursuant to the type of license for which the application is made.

223. Areas of Investigation

Article II - Administration of Licensing Powers.

In conducting inspections and investigations, the bureau may call upon political subdivisions and governmental agencies for assistance. The licensee or applicant shall cooperate with the person conducting the investigation by providing access to the buildings, records and staff of the facility. Failure to provide such access is a ground for revocation of a license or denial of an application for a license.

Article III - Licensure.

Procedure for applying for a license:

After the receipt of a completed application and the payment of the appropriate fee, the bureau shall conduct a survey of the applicant, the buildings of the facility, the plan for care of the children, and the plan for management of the facility.

The survey must show that the facility complies with all applicable life safety, environmental health, building and zoning codes established by the office of the state fire marshal, health division of the department of human resources and the appropriate local governmental body. (Some of the provisions of these codes are summarized and attached at the end of these regulations.) A certificate of approval by the state fire marshal or the health division is satisfactory proof of compliance with their regulations.

If the survey shows that the applicant and the facility comply with these regulations, a license must be issued to the applicant within 30 days after completion of the survey. The license is effective for 1 year after the date of issuance.

224. License Renewal

Article III - Licensure.

Reissuance of a license:

A licensee of a child care facility may apply for reissuance of a license no later than 45 days before the expiration of the license. The bureau shall provide all forms and materials necessary for reissuance of a license.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Article II - Administration of Licensing Powers.

Inspections of any building or premises of a child care facility pursuant to NRS 432A.180, may be unannounced and must be made at least every 6 months. More frequent inspections may be made if the bureau has reason to believe the facility is not meeting the requirements of law or these regulations.

232. Denial, Suspension, Revocation of a License

NEV. REV. STAT § 432A.190 Denial, suspension, revocation of license: Grounds.

The bureau may deny an application for a license or may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

Violation by the applicant or the licensee of any of the provisions of this chapter or of any other law of this state or of the standards and other regulations adopted thereunder.

Aiding, abetting or permitting the commission of any illegal act.

Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

Failure of the applicant to obtain written approval from the director of the department or its office of health planning and resources, as required by NRS 439A.100, or as provided in any regulation adopted pursuant to this chapter.

Article IV - Revocation of Licenses: Appeals.

In addition to the grounds set forth in NRS 432A.190, the bureau may suspend or revoke the license of a facility on the ground that the health or safety of a child in the facility is being endangered.

The notice of denial, suspension or revocation required by NRS 432A.200 shall be sent by the bureau within 30 days after its determination to suspend or revoke a license or to deny an application for a license.

233. Remedies and Sanctions

233.1 Hearings

NEV. REV. STAT. § 432A.200 Denial, suspension, revocation of license: Notice; hearing.

When the bureau denies, suspends or revokes a license for a child care facility, the bureau shall afford reasonable notice to all parties by certified mail, which notice must contain the legal authority, jurisdiction and reasons for the action taken.

The aggrieved person may file notice of appeal with the chief within 10 calendar days after receipt of notice of action of the bureau.

Within 20 calendar days after the receipt of the notice of appeal, the chief shall hold a hearing.

Notice of the hearing must be given no less than 5 days before the date set for the hearing.

233.2 Decisions

Not specified

233.3 Judicial Review

NEV. REV. STAT. § 432A.210 Injunctive relief.

Except as provided in subsection 2 of NRS 432A.131, the bureau may bring an action in the name of the state to enjoin any person, state or local government unit or agency thereof from operating or maintaining any child care facility:

Without first obtaining a license therefor; or

After this license has been revoked or suspended by the bureau.

It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility without a license.

432A.220 Penalty for operating facility without license. Any person who operates a child care facility without a license issued by the bureau is guilty of a misdemeanor.

Article II - Administration of Licensing Powers.

On confirmation of the operation of an unlicensed child care facility, the bureau or the local licensing agency shall investigate and attempt to license the facility, force discontinuance of the operation of the facility or prosecute the violation.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Article V - Requirements for Administration of a Facility.

Every facility shall adopt a written statement which:

Sets forth the general services to be offered to the children;

Provides for the special needs of each child;

States the requirements for admission and procedures for enrollment;

Sets forth fees and any plan for payment of fees;

Provides rules relating to personal belongings brought to the facility;

Covers arrangements for transportation;

Requires written parental permission for trips and activities outside the facility;

Provides for parental involvement in the general functions of the facility; and

Gives either or both parents the right to observe the program of the facility before and after enrollment of his child and at any other time which is convenient to both the facility and the parent or parents.

Every facility shall provide a copy of the statement to each paid or volunteer member of its staff, to each parent of a child enrolled in the facility and to the bureau.

The name, business address and business telephone number of any person who has legal or administrative responsibility for the facility must be provided to each parent of a child enrolled in the facility and to the bureau.

The facility must notify each parent of a child enrolled in the facility and the bureau of significant changes in the services offered by the facility.

Article V - Requirements for Administration of a Facility.

A director of a facility must:

Provide a program for child care for the facility which meets the requirements of these regulations;

Maintain personnel, enrollment, attendance and all other records;

Provide space for an office, the storage of records, conferences with parents, meetings of the staff and all other needs of the child care program;

Maintain responsibility for screening, scheduling and supervising the staff of the facility, and for all conduct of any member of the staff of the facility;

Work with parents and include them, whenever possible, in the programming and functioning of activities; and

Cooperate with the bureau and other agencies of government to improve the quality of child care and the competence of caregivers.

Before a license is issued to a facility for which a director is required, a person must submit a completed application for director, to be supplied by the bureau. The applicant must sign an authorization which gives the bureau permission to verify any information stated in the application.

312. Telephone

Article V - Requirements for Administration of a Facility.

Each facility must have a working telephone which is listed in a local directory. A current list of emergency telephone numbers, including health agencies, fire and police departments and ambulance services must be posted adjacent to the telephone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Article III - Licensure.

Procedure for applying for a license:

An applicant must, before a license is issued, submit to the bureau a certificate of insurance.

Article V - Requirements for Administration of a Facility.

Each facility shall have liability insurance which is sufficient to protect the children, employees, volunteers and any visitors to the facility from foreseeable loss or injury. A "certificate of insurance" must be furnished by the facility to the bureau as evidence that the policy is in force. Each policy must contain a provision which requires the insurer to notify the bureau at least 30 days before cancellation or nonrenewal of the policy.

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

Article V - Requirements for Administration of a Facility.

Procedures for admission must provide the caregiver with sufficient information and instruction from the parents to enable the caregiver to prepare a record and to make decisions or act on behalf of the child. Before the admission of a child to a facility, the parent shall give the following information to the caregiver, who shall make a record for each child and maintain each record in good order:

The child's full legal name, date of birth, current address and preferred name;

The name, address and telephone number of each parent responsible for the child and any special instructions needed to reach the parent during the hours the child is in the facility;

The name, address and telephone number of any person who can assume responsibility for the child and is authorized to take the child from the facility if the parents cannot be reached;

Information concerning the health of the child, including any abnormalities of the child.

A written authorization signed by a parent which allows emergency surgical and medical care.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Article V - Requirements for Administration of a Facility.

If any person suspects that child abuse or neglect is occurring in a facility, the person may immediately report his suspicions to the bureau. Every licensee or employee of a facility who has reason to believe child abuse or neglect is occurring in the facility, in the child's home or elsewhere shall report his beliefs to the appropriate authority as required in NRS 200.502.

345. Confidentiality of Records Requirements

Article V - Requirements for Administration of a Facility.

The facility shall not disclose information pertaining to any child, to any person who is not a member of the staff of the facility or a member of the licensing staff of the bureau, unless:

The parent has granted written permission for the disclosure; or

There is an emergency, as determined by the director or a member of the staff who is in charge at the time of the emergency.

The facility shall have available forms which allow a parent to release information pertaining to his child.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Article X - Staff to Child Ratio.

A facility must have a staff which is sufficient in number to provide physical care and individual attention to each child and allow time for interaction between the staff and the children to promote the children's social competence, emotional well-being and intellectual development. The following subsections establish the minimum number of members of the staff which must be maintained during hours of operation:

A family child care home must have one caregiver of duty at all times and provide for an alternate caregiver in case of an emergency.

A group child care home must have one caregiver on duty at all times. An additional caregiver must be on duty whenever one or more of the following conditions exist:

More than six children are in the facility.

More than four of the children are less than 2 years of age.

More than two of the children, are less than 1 year of age.

An infant and toddler nursery must have on duty at least the following number of caregivers:

If all children in the nursery are under 9 months old, one caregiver for every four children;

If all children in the nursery are between 9 months and 18 months old, one caregiver for every six children; or

If all children in the nursery are between 18 months and 3 years old, one caregiver for every eight children.

If the nursery contains children from more than one of these age groups, the required number of staff members is determined by computing the average of the ages of all children attending the nursery and using the average age to determine the applicable ratio of caregivers to children.

A child care center, child care institution or preschool must have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following numbers of caregivers.

For children who are 3 years of age and older:

- For one to 5 children, inclusive, one caregiver;
- For 6 to 20 children, inclusive, two caregivers;
- For 21 to 35 children, inclusive, three caregivers;
- For 36 to 50 children, inclusive, four caregivers;
- For 51 to 65 children, inclusive, five caregivers;
- For 66 to 80 children, inclusive, six caregivers;
- For 81 to 93 children, inclusive, seven caregivers; and
- For every 13 children in excess of 81, one additional caregiver.

For children who are 2 or more years of age but less than 3 years of age:

- For one to 10 children, inclusive, one caregiver;
- For 11 to 21 children, inclusive, two caregivers;
- For 22 to 32 children, inclusive, three caregivers; and
- For every 10 children in excess of 23, one additional caregiver.

A child care center or a child care institution which operates between the hours of 9:00 p.m. and 6:30 a.m. must have on duty the following numbers of caregivers:

For one to 15 children, inclusive, one caregiver;
For 16 to 31 children, inclusive, two caregivers;
For 32 to 46 children, inclusive, three caregivers; and
For 47 to 61 children, inclusive, four caregivers; and
For every 15 children in excess of 47, one additional caregiver.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Article X - Staff to Child Ratio.

The maximum numbers of infants and toddlers for whom care may be provided in a family or group child care home are established as follows:

In a family child care home, no more than four of the children may be less than 2 years of age, and no more than two of the children may be less than 1 year of age.

In a group child care home, no more than eight of the children may be less than 2 years of age, and no more than four of the children may be less than 1 year of age.

A family child care home or group child care home may, after obtaining the written permission of the bureau, provide care before and after normal school hours for three children in excess of the number stated on the facility's license if the children are between 6 and 10 years old, inclusive, and attend elementary school. Children who live in the facility are included in counting the three additional children.

A child care center may, after obtaining the written permission of the bureau, provide care before and after normal school hours for up to 10 percent more children than the number stated on the facility's license.

A child care center which accepts children before and after normal school hours pursuant to subsection 2 must have 1 additional caregiver for any children so accepted, up to 20 children, and must have 1 additional caregiver for every 20 children thereafter.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Article VIII - Staffing.

Qualifications of caregivers:

Every caregiver must be at least 16 years of age.

No more than 50 percent of the caregivers in a child care center or a child care institution or a preschool may be under 18 years of age.

Although subsections above allow caregivers to be under the age of 18 in certain circumstances, a child care facility may not be operated unless a person who is 18 years of age or older is on the premises of the facility.

512. Health

Article XIII - Personal Health of Staff.

Every member of the staff of a facility, including a volunteer, and every person 18 years of age or older who lives in the facility shall present to the director, to be placed in the employee's file, the following:

A record provided by a physician or registered nurse of a physical examination taken shortly after employment or taken within the three years before employment; and

Written evidence that the employee is free from communicable tuberculosis, concluded as a result of a negative skin test or chest x-ray taken within 6 months after employment in the facility. The tests required by subsection must be repeated every 2 years.

Each caregiver or person living in the facility who has an identified health problem must obtain a written statement from a physician attesting that the person's health does not prohibit his caring for your children.

513. Education

Article VIII - Staffing.

Qualifications of caregivers:

Any caregiver who is under 18 years of age must:

Have completed a course in the development of children, or

Be currently enrolled in and complete a course in the development of children while employed in a facility.

The bureau may decide whether a course in the development of children is adequate to meet these requirements.

Whenever a facility is in operation, at least one caregiver on duty must have completed, or be in the process of completing a program for the recognition of symptoms of illness and the administration of first aid. The program may either be in a formal classroom setting or learned on the job and must include health, the observation and evaluation of symptoms of illness and responses to illness and emergencies, including the administration of first aid to victims of fire, serious injury or the ingestion of poison.

A facility must present to the bureau evidence that a caregiver on duty while the facility is operating has completed a program described in subsection 2. A certificate or other evidence of compliance issued by a community health agency or clinic, community college, university, the Red Cross, and adult education program in home nursing or other appropriate institution is adequate evidence of compliance. If training is done on the job, an affidavit signed by the director is adequate evidence of compliance.

514. Experience

Article VIII - Staffing.

Qualifications of caregivers:

Every caregiver must be:

Able to read and write English; and

Emotionally and physically qualified to carry out a program which places emphasis on the development of children.

Staff. The staff must be able to:

Work with children without recourse to physical punishment or psychological abuse;

Communicate with children and their parents;

Praise and encourage children and provide them with a variety of learning and social experiences; and

Recognize and eliminate hazards to the safety of children.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 51L. Age

26

522. Health

See 512. Health

523. Education

Article VIII - Staffing.

Except as provided in subsection 2, every facility which is licensed after the effective date of these regulations must have a director who is present in the facility at least 25 hours per week and who has either:

A bachelor's or associate's degree with at least 12 semester hours in child development, child psychology, education related to the health of children, or in courses directly related to these fields and at least 6 months of verifiable experience which is satisfactory to the bureau in a program related to child education, early childhood development or child care; or

A high school diploma, a G.E.D. equivalent certificate or a certificate based on general educational development, if approved by the bureau, and at least 6 semester hours in child development, child psychology, education related to the health of children or in courses directly related to these fields, and at least 2 years of verifiable, satisfactory experience in a program related to child education, early childhood development or child care; or

A certificate as a child development associate; or

A combination of education and experience which, in the judgment of the chief of the bureau, is equivalent to paragraphs (a), (b) or (c).

The provisions of subsection 1 do not apply to facilities licensed as a family child care home or group child care home.

524. Experience

Article XVI - Additional Requirements for Preschools.

Every director of a preschool or every head teacher at a preschool must be at least 21 years of age and:

Have a bachelor's degree in teaching or child development from an accredited college; or

Be a graduate of a 2-year educational course in child development and have 2 years of experience in a full-time paid teaching position; or

Be a graduate of a 1-year certified program of child development and have 3 years of experience in a full-time paid teaching position; or

Have a certificate as a child development associate.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Article IX - Training.

Newly employed members of the staff of a facility must be given an orientation program and trained by the director in the policies, procedures and programs of the facility and the recognition of the symptoms of illness.

If required by the director, a member of the staff shall participate in any specialized training related to child care which is offered in the community where the facility is located.

For purposes of this section, a volunteer who works at least 20 hours per week in a facility and participates in specialized child care training, as defined by the director, is a member of the staff of the facility.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Article VI - Standards for Programs.

Every program of a facility must meet the basic needs of children for:

Good health and normal physical development;

Optimal mental growth;

Stimulating language and communicative experiences;

The attention, acceptance and affection of others;

Opportunities to experience success and to test mental, physical and social skills;

Self-identity and a sense of competence and worth;

The security provided by gentle discipline;

Relations with others which set forth the rights of adults and the rights of children;

Learning experiences planned with the aid of the child's parents which insure harmony with the life style and cultural background of the child;

Activities which facilitate social growth and adjustment; and

The time and opportunity to learn independence and personal care.

Activities should be planned which facilitate the child's social growth and adjustment.

A facility shall teach each child personal hygiene. The facility must require all children to wash before meals and after using a toilet.

If the weather permits, all children must have a daily period of outdoor play. A facility shall provide opportunities for active play which builds muscles such as climbing, jumping, running and playing with toys which have wheels. The quantity and quality of materials and equipment must be sufficient to avoid excessive competition between the children and long waiting periods to use the materials or equipment.

Article XVI - Additional Requirements for Preschools.

The program of a preschool must include:

An assessment of each child's individual needs and the provision of activities which are suitable to his needs; and

A comparison of each child's actual growth, status and progress with his potential growth, status and progress.

A preschool must develop a specific plan for child care and instruction which is designed to achieve the following objectives:

Successful adjustment of the child to an environment away from home;

Familiarity of the child with a group setting;

Development in the child of an interest and joy in learning;

Development in the child of a feeling of security and individual success;

Development of a child's self-expression and self-control;

Development of creativity in the child; and

Development of a child's sense of responsibility.

A plan of the curriculum and a description of the methods of delivering instruction must be prepared by the preschool. The plan must:

Be made available for parental review;

Be prepared before the program becomes effective;

Be kept on file for at least 1 year;

Include a program of speaking and listening to English;

Include a program to develop a child's awareness of basic mathematical concepts;

Provide for the involvement of parents in learning activities at the preschool and at home;

Provide for the development of a child's skill in music, arts and crafts and pleasure received from these activities;

Provide for the development of a child's awareness of his natural surroundings and stimulate his curiosity about his environment; and

Provide for increasing a child's awareness of the need for good physical health, personal hygiene, exercise and nutrition.

A preschool must recognize each child's individual level of development and provide an assortment of materials, equipment and activities which is broad enough to meet the social, physical and cognitive development of each child.

612. Program Equipment and Materials

Article VI - Standards for Programs.

The amount, variety and arrangement and use of materials and equipment used in a facility must be appropriate to the developmental needs of the children cared for in the facility. Materials must be stored in a manner that allows children to select, remove and replace the materials independently or with minimal assistance.

613. Nap Provision

Article VI - Standards for Programs.

Every child who is in a facility for more than 5 hours per day must have a period for a nap during the day. A child who cannot sleep must rest during the period provided for a nap. The facility shall provide a cot, mat or bed for each child.

SUMMARY OF CONSUMER HEALTH AND SAFETY STANDARDS

Individual sleeping accommodations must be provided for naps and rests, and must conform to the following:

Each bed must have cleanable covers and be suitable for use by children.

Cribs or play pens must be provided for all children under 2 years of age. No restraining device may be used in a crib or play pen unless such a device is ordered by a physician of the particular child.

Every mat, cot, bed, crib or play pen must be at least 2 feet apart and every aisle between them must be kept free of obstructions.

If bunk beds are used, they must not exceed two tiers and the upper level must have safety guardrails. Children under 6 years of age must occupy only bunks on the lower level.

A bed or crib must be furnished for each child who sleeps at night in the facility. Each bed must be at least 6 inches above the floor, at least 24 inches wide and of adequate length for the child. Cribs must be provided for children under 2 years of age.

614. Discipline and Guidance

Article VII - Discipline of Children.

A facility shall enhance a child's behavior through positive guidance, redirection of the child's behavior and the setting of clear-cut limits of behavior. A member, employee or other person associated with a facility shall not, for any reason:

Inflict physical punishment, in any manner or form, upon any child;

Verbally abuse or threaten a child;

Make derogatory remarks about the child or his family;

Threaten a child with the loss of love of any person;

Threaten a child with punishment by a diety;

Subject a child to any form of punishment which pertains to food or rest or restricts the use of a toilet or other bathroom fixture; or

Subject a child to any form of punishment by other children. Parental consent to allow any person within the facility to punish a child contrary to the provisions of this section is void.

Disciplinary measures used in a facility must be consistent with supportive, positive action, and may include:

Holding a child's arm to prevent hitting;

Bodily picking up the child and removing him from the group; and

Sitting with the child until he is ready to play without hitting; or

Isolating the child under observation for no more than 10 minutes;

Informing the child in a simple, positive manner what conduct is expected (while he is in the facility);

Praising and recognizing a child who behaves in the expected manner; and

Directing a child who is in a situation which is creating problems to a new activity.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Article XI - Immunization and Health of Children.

Every facility must have written provisions for:

Consulting with physicians or registered nurses regarding the health of the children;

Obtaining assistance in developing and maintaining current health policies; and

Providing health services and education for the children and members of the staff, including dental health and personal cleanliness and care.

A written directory of emergency health services must be readily available in the facility, and may include:

A hospital;

A clinic or other constantly staffed medical facility;

A physician or registered nurse, if the parents of a child have signed a written agreement stating that the person is acceptable.

712. Health Assessments

Article XI - Immunization and Health of Children.

Except as provided in section 17.5, evidence of each child's health must be presented to the director within 30 days after his admission. The evidence must include a written statement from a physician or registered nurse licensed in this state attesting to the status of the child's health and stating that all known special conditions are under treatment and the child is capable of adjusting to the programs of the facility.

A facility must keep a record of each child which includes any pertinent information on the status of the child's health and any special needs of the child.

713. Immunizations

Article XI - Immunization and Health of Children.

Unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this state, including a facility licensed by a county or city, unless his parents or guardian submit to the operator of the facility a certificate or certificates stating that the child has been immunized and has received proper boosters for such immunization or is complying with the time limits and schedules established by regulation pursuant to NRS 439.550 for the following diseases:

Diphtheria;

Tetanus;

Poliomyelitis;

Rubella;

Rubeola; and

Such other diseases as the local board of health or the state board of health may determine.

The certificate or certificates required in subsection 1 must show that such required immunization vaccines and boosters were given, and must bear the signature of the licensed physician or registered nurse who administered such vaccines or boosters. If records are not available from a licensed physician or registered nurse, a sworn statement from the parent or guardian suffices.

If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional admission do not apply.

A child may enter a child care facility conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the operator of the child care facility within 90 school days after the child was conditionally admitted, the child must be excluded from the facility.

The requirements of subsection 1 are satisfied if a certificate or certificates have been filed in a previous year with any licensed child care facility, school district or licensed private school in the State of Nevada indicating that the child has been immunized as required by this section.

Before December 31 of each year, each child care facility must report to the health division on a form furnished by the division, the exact number of children who have completed the immunizations required by this section.

NEV. REV. STAT. § 432A.260.

If, after a child has been admitted to a child care facility, including a facility licensed by a county or city, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the operator of the facility stating that such child has met the new immunization requirements.

714. Sanitation

SUMMARY OF CONSUMER HEALTH AND SAFETY STANDARDS

Bathrooms must be kept clean, safe and sanitary and have:

Adequate illumination and ventilation;

One lavatory which is connected to hot and cold water for every 15 children;

One toilet for every 15 children; and

A working dispenser of soap and a working hand-drying machine or individual disposable towels which are available at all times.

Pets are permitted in a child care facility if they are:

In good health, present no problems of sanitation, and have a temperament which is not hazardous or frightening to children;

Handled in a manner which protects the well-being of the children and the pet;

Free from fleas, ticks and intestinal parasites;

Innoculated as often as prescribed by a veterinarian; and

Restricted from areas where food is prepared and from eating areas while meals are being served. A cage is adequate restriction.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Article XI - Immunization and Health of Children.

If a member of the staff transports or accompanies a child for professional emergency care, he must remain with the child until the parents assume responsibility for the care of the child.

If a child becomes seriously ill or injured, the facility shall immediately isolate the child from other children and place the child under appropriate supervision. A parent, a person designated by a parent, or a physician designated by a parent, must be promptly notified and the child must be removed from the facility as quickly as possible. Members of the staff of a facility shall not administer any medical treatment, except emergency first aid and prescribed medications to the child.

717. Medication and Special Diet Provisions

Article XI - Immunization and Health of Children.

Each prescribed medication must be plainly labeled, contain the name of the child or adult for whom it is prescribed, and be stored in a locked cabinet or be made inaccessible to children. Medications for external use must be kept in a separate section of the locked cabinet. Medications stored in a refrigerator must be made inaccessible to children.

Except in an emergency, only one person designated by the facility may administer medications to children. A written record containing every medication administered, the name of the child to whom it was administered and the date and time it was administered must be maintained on a weekly basis by the facility and kept in the child's file.

718. Waiver of Health Requirements

NEV. REV. STAT. § 432A.240.

If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

NEV. REV. STAT. § 432A.250.

If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230, as the case may be, for purposes of admission.

NEV. REV. STAT. § 432A.270.

Whenever the state board of health or a local board of health determines that there is a dangerous contagious disease in a child care facility attended by a child for whom exemption from immunization is claimed pursuant to the provisions of NRS 432A.240 or 432A.250, the operator of the facility shall require either:

That the child be immunized; or

That he remain outside the school environment and the local health officer be notified.

720. SAFETY721. General Safety RequirementsSUMMARY OF CONSUMER HEALTH AND SAFETY STANDARDS

Every director of a child care facility shall insure that the programs and premises of the child care facility are designed to minimize the risk of

accidental injury. The premises and equipment must be kept clean to protect the health of the children and the members of the staff.

The quality and type of equipment in the kitchen must be suitable for preparing food at the facility and approved by the appropriate fire and health agencies of state or local government.

Cleaning equipment and cleaning agents must be stored in a locked area of the facility which is inaccessible to children.

Dirty linens must be stored separately from food, clean linens and other supplies.

Personal items, such as combs, towels and toothbrushes must not be used by more than one person.

SUMMARY OF FIRE AND LIFE SAFETY REGULATIONS
OF STATE FIRE MARSHAL

All painted surfaces accessible to children must be free of toxic materials. Lead paint must not be used in redecorating. The paint in any facility which is over 20 years old must be checked to assure the absence of a hazardous quantity of lead.

722. Fire Safety Requirements

SUMMARY OF FIRE AND LIFE SAFETY REGULATIONS
OF STATE FIRE MARSHAL

Devices for the detection of the products of combustion, other than heat, are required in every occupied building of a child care facility which must be licensed under these regulations and must be installed in accordance with Section 1413 of the Uniform building code and the U.B.C. Standard 43-6.

Every facility which provides child care between midnight and 6 a.m. for more than five children under the age for kindergarten must be equipped with an automatic system for extinguishing fires which is approved by the state fire marshal. A design of a sprinkler system which is based on the Patton concept or a system which is designed to use small-diameter compartmental copper pipes to provide a coverage of water which is adequate to protect the facility against expected fire hazards, is acceptable for the purposes of this section.

The maximum number of persons occupying a floor in a facility must not exceed the maximum number of persons that floor was designed to support, or more than one person for each 35 square feet of floor area used by the children, exclusive of kitchens, halls, stairs, offices, bathrooms, storage areas and other areas not continually occupied by the children.

Only the ground floor of any building of a facility may be used by the children, unless the local or state authority dealing with fires grants a specific exception from this requirement.

Areas of a basement which meet the requirements of an inspection may be used only as an area for play, and only if there are two means of egress from the basement, one of which leads directly outside.

Portable fire extinguishers with a minimum rating of 2-A must be placed as designated by the local authority charged with making inspections for fire hazards.

Equipment for air conditioning, ventilation, heating, cooking and other necessary functions in the facility must be in accordance with all codes, including the National Electrical Code.

Furnishings or decorations which are explosive or highly flammable must not be used in areas accessible to children.

723. Transportation

Article V - Requirements for Administration of a Facility.

If transportation is provided by the facility, all children must be protected by adequate supervision by the staff, safety precautions and adequate insurance which covers liability for health or injury, medical expenses and damages caused by uninsured motorists. The facility shall require that each child is instructed in the conduct required for safe transportation. A driver of a vehicle used by the facility shall:

Possess an appropriate driver's license and adequate insurance;

Not leave an unattended child in the vehicle at any time;

Ensure that a parent, or a person designated in writing by the parent, is present to take charge of a child upon delivery of the child to his home or the facility;

Ensure that each child boards or departs the vehicle on the side of the vehicle adjacent to a curb and that the child is safely conducted across any street encountered immediately before boarding or after departing; and

Ensure that the doors and windows of the vehicle are secure before proceeding.

724. Safety Requirements for Equipment

Article VI - Standards for Programs.

Furniture must be durable, safe and intended for use by children or appropriately adapted for use by children.

725. Water Activities (Including Swimming)SUMMARY OF CONSUMER HEALTH AND SAFETY STANDARDS

If a swimming or wading pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children.

If a pool is used, a qualified lifeguard must be a duty.

Wading pools may be used by children only if an adult member of the staff who has knowledge of aquatic safety is present.

Every swimming and wading pool and the area surrounding the pool must be fenced in a manner which prevents access by children or others who are not entitled to use the pool.

726. Emergency Procedures

Article XV - Fire and Life Safety Requirements.

A facility shall hold a fire drill at least once every month. An appropriate plan for evacuation of the facility in case of emergency must be conspicuously posted in a public place in the facility.

727. First Aid Supplies

Article XI - Immunization and Health of Children.

An easily understandable chart describing first aid and emergency treatment must be available in each facility.

Each facility must have a well-stocked first aid kit readily available at all times.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Article XII - Nutrition.

A facility shall meet the daily nutritional needs of each child. Meals and snacks must be of a quality and quantity which supplements the food served at home. Cultural and ethnic foods which are appropriate for children must be considered in planning meals. To the extent possible, information provided by parents concerning their child's eating habits and preferences or special needs regarding food must be considered in planning for meals.

A child care facility shall consult a local agency or entity for appropriate nutritional information. If nutritional information is not available locally, the facility shall request the bureau to consult with the state nutritionist in the public health section of the health division of the department of human resources.

A facility shall serve every child who stays in the facility:

For 5 or more hours per day, a quantity of food which will supply at least one-third of the recommended dietary allowance established by the Food and Nutrition Board of the National Academy of Sciences; or

For 10 or more hours per day, a quantity of food which will supply at least one-half of the recommended dietary allowance established by the Food and Nutrition Board of the National Academy of Sciences.

Food and beverages which are sweet or have little nutritional value must not be served to children except as an addition to the meals or snacks served to comply with the requirements of section 12.3.

Every menu must be in writing, dated, planned a week in advance, and kept on file in a facility for at least 90 days after the corresponding meal is served. The facility shall post the current menu, including any changes, in the kitchen and in a public place within the facility which is convenient for parental inspection. Family child care homes and group child care homes are exempt from the requirements of this section.

A child may bring his lunch to a facility in a properly identified bag or other container. The facility shall refrigerate such lunches or place them in a cold, protected area.

A child is not allowed in the kitchen of any facility unless he is supervised.

Whenever possible, members of the staff of the facility should eat with the children and encourage them to eat a variety of food and observe table manners.

Drinking water must be freely available to all children at all times.

Food must not be used as a basis for discipline or reward. Children should be encouraged, but must not be forced, to eat.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

See 81L. Nutritional Requirements

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

See 311. General Administrative Requirements

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Article XVII - Additional Requirements for Infant and Toddler Nurseries.

An infant or toddler nursery may be a part of another type of child care facility if each part of the facility meets the requirements of these regulations.

A caregiver must be assigned to a specific group of infants on a continuing basis.

Each child must receive no less than half an hour in the morning and half an hour in the afternoon of undivided attention from the same caregiver, including periods of feeding and bathing. The caregiver shall, during this time:

Hold and talk to the child;

Encourage the development of the child's coordination by allowing the infant to reach for, grasp, creep, crawl or pull up.

Give toddlers the opportunity to develop the large muscles of the body by activities such as climbing and walking; and

Encourage the child to interact socially through play, language and problem solving. Infants under 6 months of age must have an additional period totalling 2 hours of activity each day out of the crib (e.g., in a playpen or other suitable area).

An indoor area which is protected from generally travelled walkways in the facility must be provided where crawling children can be on the floor for at least a part of the day.

Infants may be taken outside or to areas of the facility other than their usual room for a part of each day to provide a change in their physical surrounding, and to increase opportunities for social interaction.

An infant who is awake must not be left in a crib for long periods of time without direct adult care and never for more than 30 minutes at a time.

Naps must be provided according to the needs of the infants and toddlers. There must be direct supervision of the children while they nap.

Infants and toddlers may be allowed to mix with children of other age groups.

1120. HEALTH AND SAFETY REQUIREMENTS

Article XVII - Additional Requirements for Infant and Toddler Nurseries.

A required medical statement and record must be obtained on every infant within 30 days after his admission.

A member of the staff of an infant and toddler nursery shall discuss policies concerning the child's health with the parents before enrollment of the child. Every parent must receive a description of and agree in writing to the following concerning his child:

- The type of feeding;

- The care of and kind of diapers to be used;

- An adequate change of clothing to be provided by the parents;

- The bathing to be provided and the kind of soap to be used;

- The clean area to be provided for changing diapers;

The type of bed to be used and the care of linens for the bed;
The care and sanitizing of seats used for toilet training and chairs used for the feeding of infants; and
Any special precautions regarding safety and any other information deemed necessary by the facility or the bureau.

Highchairs, if used, must have a wide base and a safety belt to secure the child.

1130. INFANT NUTRITION

Article XVII - Additional Requirements for Infant and Toddler Nurseries.

Infants must be fed and supervised individually, and their diet and pattern of feeding must be appropriate to their special needs for development. Infants who are unable to hold their own bottles must be held by a member of the staff during feeding. An infant over 6 months of age who shows a preference for holding the bottle may be allowed to do so if a caregiver remains in the room and can observe the infant.

Each bottle of formula must be stored according to the manufacturer's specifications and labeled with the name of the infant; and the date when the formula was prepared.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. PROGRAM OF ACTIVITIES

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

See 722. Fire Safety Requirements

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Summary of Fire and Life Safety Regulations of State Fire Marshal.

All rooms must be adequately ventilated and all rooms, corridors, halls, stairs and porches must be adequately lighted.

1430. EXITS

Summary of Fire and Life Safety Regulations of State Fire Marshal.

A means of egress must be provided for every floor of a facility.

Each floor occupied by the children must have at least two unobstructed exits, one of which must lead directly outside.

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Summary of Fire and Life Safety Regulations of State Fire Marshal.

Every facility must be inspected at least annually by the local or state authority having jurisdiction to control a fire at the facility, for the purpose of insuring that all requirements of state and local codes and regulations are being met. The bureau may request the state fire marshal to inspect a facility at any time the bureau deems it appropriate.

1530. BUILDING

Not specified

1540. HEALTH

Article XIV - Consumer Health and Safety Standards.

A facility must meet all standards of environmental health which are established by the bureau of consumer health protection of the health division of the department of human resources.

Reports of inspections concerning the sanitation of a facility must be kept on file in the facility.

1550. SANITATION

See 1540. Health

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the New Hampshire Licensing and Operating Requirements for Group Day Care Facilities, April 1981.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

II Definitions.

Group child care (day care) centers means either full-day or half-day child care centers, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school or by any other name for which services are regularly provided for any part of a day, but less than 24 hours, to 13 or more children.

112. Exclusions and Exemptions

II Definitions.

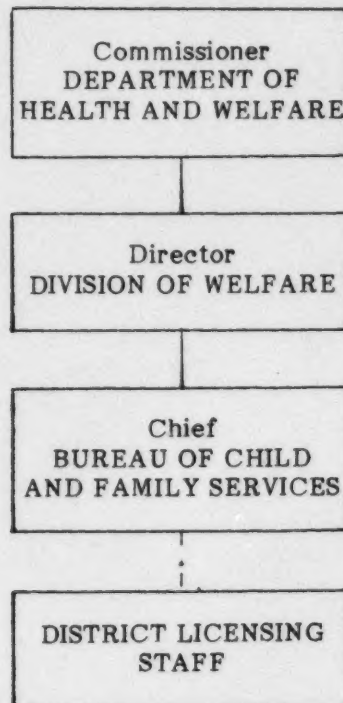
The definition above does not apply to kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning; facilities operated in connection with a shopping center or service, ski areas, bowling alleys, Sunday schools or other similar facilities where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; special activities, programs, including athletics, craft instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



122. Responsible Official

All inquiries should be addressed to:

Chief, Bureau of Child and
Family Services
Division of Welfare
Department of Health and Welfare
Hazen Drive
Concord, New Hampshire 00301
(603) 271-4326

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

N. H. Rev. Stat. Chapter 170-E: 9 Rules.

The division shall prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care that are equally applicable to like institutions under the control of the division. The division shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards.

The division in applying standards, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE221. Application and Issuance

IV Licensing Process.

The process for licensing all group day care facilities is as follows:

The applicant may obtain a copy of the group day care requirements from the local District Welfare Office.

All persons who wish to apply for a group day care license must complete an application on the appropriate form provided by the Division of Welfare.

An application for a group day care license is acted upon by the Division of Welfare within 90 days of receipt of the application by the local District Office. In unusual circumstances, this period may be extended for an additional 90 days. However, applications for group day care that remain in pending status for more than 180 days are automatically withdrawn from further consideration by the Division of Welfare. Applicants are notified of such action in writing.

The names and addresses of three nonrelated persons who can provide character references for the applicant are required at the time of application.

A signed medical form must be completed for each person who has contact with the children in the day care facility on an ongoing basis of one day per week or more.

When the decision is made to grant a license or permit to a group day care provider, the license or permit is mailed to the provider. The provider must adhere to certain requirements concerning the license or permit, which are as follows:

The group day care facility must adhere to the provisions specified on the license or permit issued.

The license or permit may not be transferred or transmitted to another person, organization, or sponsor, nor to a group day care facility operating at an address other than the one shown on the license or permit issued.

The license or permit may not be altered in any way.

The license or permit must be on display.

A new application for a license must be filed when:

there is a change in the name by which the group day care facility was previously licensed;

there is a change of address;

the Division has revoked or refused to renew the license and reinstatement is sought by the group day care facility;

when the license has been allowed to lapse because of failure of the operator to request renewal.

222. Fee Charged

Not specified

223. Areas of Investigation

IV Licensing Process.

An appointment to visit the applicant's facility to determine compliance with the group day care requirements is made by a child care licensing worker from the Division of Welfare.

A license is issued for two years and a permit is issued for not more than six months. Child day care providers who receive Title XX funds may not operate a permit for more than three months.

224. License Renewal

IV Licensing Process.

A licensed facility operating a group day care program or child care agency must file with the Division of Welfare for renewal of its license three months prior to the expiration date.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

IV Licensing Process.

The Division may, following a written request from the applicant, waive a given requirement that is:

- not related to fire and safety requirements or zoning requirements;
- not mandated by law.

A variance may be granted only if the applicant provides clear and convincing evidence that the requested variance will not jeopardize the applicant's ability to provide adequate day care services.

When a variance is requested, the Division may also request an outside expert to give an opinion about the feasibility of the proposed variance.

The applicant is responsible for requesting the variance in writing on a form provided by the Division of Welfare. The licensing worker and his/her supervisor review the request together with other information already gathered on the facility and forward it to the Division of Welfare's Child Care Consultant. The Child Care Consultant reviews the request and notifies the applicant and the licensing worker as to whether the variance may be granted.

When a variance is granted, it will remain in effect for a length of time determined by the Child Care Consultant, but for no longer than two years.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

IV Licensing Process.

New child care providers may expect a supervisory visit from the child care worker within the first six months of operation. Supervisory visits are made to the facility a minimum of once a year thereafter.

232. Denial, Suspension, Revocation of a License

IV Licensing Process.

Before recommending whether an applicant may be granted a license, the licensing worker reviews the results of the program study, the required forms and references, and any requests for a variance. After this review, the licensing worker, in conjunction with his/her supervisor, recommends to the Director of the Division whether a license or permit may be issued,

or whether the application should be denied. The worker informs the applicant of the recommendation in writing. The Director of the Division of Welfare is ultimately responsible for issuing a license or permit or for deciding that an application will be denied.

N. H. Rev. Stat. Chapter 170-E: 10 Revocation; Refusal to Issue.

The Division may revoke or refuse the license of any child care facility or refuse to issue a full license to a permit holder if the licensee or permit holder:

Neglects, abuses, ignores or does not supervise children in his care;

Consistently fails to maintain standards prescribed and published by the division;

Substantially violates any provisions of the license or permit issued;

Furnishes or makes any misleading or any false statement or report to the division;

Refuses to submit any reports or to make available to the division any records required by it in making an investigation of the facility for licensing purposes;

Fails or refuses to submit to an investigation by the division;

Fails or refuses to admit authorized representatives of the division at any reasonable time for the purpose of investigation;

Fails to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the division or as otherwise required by any law, rule or ordinance applicable to the location of such facility;

Refuses to display its license or permit; or

Fails to maintain resources adequate for the satisfactory care of children served in regard to upkeep of premises and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children.

233. Remedies and Sanctions

233.1 Hearings

N. H. Rev. Stat. Chapter 170-E: 11 Notice and Hearing.

Notice in writing stating the grounds of the revocation or refusal to grant or renew a license or permit shall be sent by registered mail to the licensee or applicant, together with a statement of the right of the licensee to request a hearing. Within seven days after the receipt of such notice, the licensee or applicant may file with the director a request for a hearing, which shall be held not less than seven days nor more than twenty-one days after receipt of such request. At such hearing, the licensee or applicant shall have the right to be represented by counsel, present testimony and confront witnesses and the common law rules of evidence shall not apply. Within ten days after such hearing, a decision shall be rendered in writing.

If no request for a hearing is made within ten days after notification, or if the division determines upon holding a hearing that the license or permit should be revoked or denied or renewal should be denied, then the license or permit shall be revoked or denied or renewal shall be denied. When the division expressly finds that the continued operation of a child care facility violates any minimum standard prescribed by the division or otherwise jeopardizes the health, safety, morals or welfare of children served by the facility, the division shall include in its order revoking, denying or refusing to issue the license or permit, an order of closure directing that the operation of the facility terminate immediately. In this event, the facility may not operate during the pendency of any proceeding for the judicial review of the decision of the division revoking or refusing to renew the license or permit, except under court order.

233.2 Decisions

N. H. Rev. Stat. Chapter 170-E: 12 Appeal.

Any person aggrieved by any decision of an appeal board may apply for a rehearing or appeal to the superior court.

233.3 Judicial Review

N. H. Rev. Stat. Chapter 170-E: 13 Operation Without a License.

Whenever the division is advised, or has reason to believe, that any person is operating a child care facility without a license or permit, it may make an investigation to ascertain the facts. If it finds that the child care facility is operating or has operated without a license or permit, it may report the results of its investigation to the attorney general or the appropriate county attorney for prosecution.

N. H. Rev. Stat. Chapter 170-E: 19 Penalty.

Any person shall be guilty of a misdemeanor, who:

Conducts, operates or acts as a child care facility without a license or permit to do so;

Makes materially false statements to obtain a license or permit;

Fails to keep the records and make the reports required under this chapter;

Advertises any service not authorized by the license or permit held;

Publishes any advertisement in violation of this chapter;

Violates any other provision of this chapter or any rule adopted and published by the division for the enforcement of this chapter.

Each day a violation continues to exist shall constitute a separate offense.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Not specified

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

III Operating Requirements.

Any facility receiving public monetary support may not deny admission to or exclude from any program any child on the basis of his race, color, or country of national origin.

340. RECORDS REQUIREMENTS341. Children

III Operating Requirements.

Before a child is admitted to the facility, the provider must obtain the following information from the child's parent(s) or guardian(s):

the child's full legal name, birth date and current address;

the name and address of the parent(s) or guardian(s) legally responsible for the child;

telephone numbers or instructions as to how the parent(s) or guardian(s) may be reached, either at home or work and during those hours that the child is normally with the provider;

names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parent(s) or guardian(s) cannot be reached immediately in an emergency;

permission for emergency medical transportation and treatment;

names and addresses and telephone numbers of person(s) authorized to take the child from the day care home;

permission must be obtained from the child's parent or guardian in advance if the provider wishes to take the child on a field trip or outing.

See also 711. General Health Requirements

342. Staff

III Operating Requirements.

Written evidence must be on file in the District Welfare Office which states that the provider and his/her staff members who are in frequent and substantial contact with the children are free from health problems which would have a harmful effect on children or would affect the provider's ability to care for the children. Such evidence is recorded on Division of Welfare Form 24, "Certificate of Health for Child Care Personnel," and must consist of:

The results of a physical examination for the provider and his/her staff. The examinations may be done by any licensed health practitioner. The physical examinations for the provider and staff are repeated every two years.

The results of a tuberculin test or x-ray administered to the provider and to each staff member. The tuberculin test is repeated every two years and a certificate filed with the District Office.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

III Operating Requirements.

The minimum ratio of qualified child care staff to children must be:

3-year olds -	1 adult to 10 children
4-year olds -	1 adult to 15 children
5-year olds -	1 adult to 18 children
6-years and - older	1 adult to 20 children

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

III Operating Requirements.

The number of children in attendance at the facility may at no time exceed the number stated on its license to operate.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

III Operating Requirements.

Any person serving as director, head teacher or teacher in charge in a private school or preschool shall be 21 years of age or older.

512. Health

See 342. Staff

513. Education

III Operating Requirements.

This person shall have on file at the facility evidence of the successful completion of a secondary education.

514. Experience

III Operating Requirements.

All qualified child care workers must:

be able to praise and encourage children and provide them with a variety of learning and social experiences appropriate to the age of the child served;

be able to communicate with parents and children in their own language whenever possible;

be able to recognize and act against hazards to physical safety;

possess the ability and willingness to increase skills and competence through experience and training;

be able to work with children without recourse to physical punishment or psychological abuse.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 342. Staff

523. Education

See 513. Education

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

III Operating Requirements.

The daily schedule of the child day care facility must:

provide regular activities which include time for meals, snacks, sleep, toileting and indoor and outdoor play appropriate to the developmental needs of the children;

provide a balance of quiet and active opportunities for play, and enough flexibility to meet the needs of individual children;

provide experiences for self-expression in conversation, imaginative play and creative activities, both individually and with other children.

612. Program Equipment and Materials

III Operating Requirements.

There must be sufficient sturdy, child-size tables and chairs to provide for children's comfort and size.

613. Nap Provision

III Operating Requirements.

In facilities operating a full day's program, each child must be assigned a separate cot, bed, or mat with washable covers and/or appropriate clean bedding.

There must be a period of rest or relaxation of 10 to 20 minutes in a program of four or fewer hours.

Children in attendance for more than four hours must have an opportunity for rest of one hour or longer according to the age and needs of the child, in addition to the midsession rest.

Cots or washable mats for sleeping shall be placed no closer than two feet apart.

614. Discipline and Guidance

III Operating Requirements.

The child care staff must support the child's behavior with positive guidance, and the setting of clear-cut limits which will foster the child's own ability to be self-disciplined.

Providers may not use forms of punishment which are humiliating, shaming, frightening or otherwise damaging to children.

Punishment may not be associated with food, rest, toilet training or isolation for illness.

No corporal punishment may be used.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

III Operating Requirements.

Each child must have a physical examination done by a licensed health practitioner upon entering the group day care facility and at least every two years thereafter. Results of the examination must be recorded on Division of Welfare Form 183, "Child Health Form," and be on file with the group day care provider within 60 days of enrollment. Evidence must be included on Form 183 that the child has been immunized according to the schedule prescribed by the American Academy of Pediatrics.

No child with a communicable disease such as conjunctivitis, measles, scarlet fever, German Measles, mumps, chicken pox, hepatitis, strep throat, scabies, impetigo, pediculosis, or ringworm may be accepted for care until proper medical treatment has been given and the child is no longer contagious.

Under no circumstances may a day care facility keep a child with a diagnosed communicable disease or obvious acute illness.

The Director of the day care facility is responsible for informing all parents when a reportable communicable disease has been identified among the facility's children or staff. Readmission following a communicable disease must be in accordance with the regulations of the Division of Public Health.

The Director must inform the local health officer or the Division of Public Health, Bureau of Communicable Disease Control about reportable communicable diseases.

712. Health Assessments

Not specified

713. Immunizations

See 711. General Health Requirements

714. Sanitation

III Operating Requirements.

Adequate facilities for the sanitization of dishes and utensils must be provided. All utensils used in the storage, preparation and serving of food must:

be washed in an automatic dishwasher or warm water with soap and detergent;

be sanitized by immersion in water at a temperature of not less than 170 degrees Fahrenheit for not less than one minute or by immersion in chlorine or some other approved solution;

be air dried. Dish towels may not be used to dry such utensils.

Garbage and rubbish must be stored in watertight receptacles which are inaccessible to children. There must be no excess accumulation of garbage or rubbish and all receptacles must be kept in a sanitary condition. The receptacles must be emptied daily and scalded after emptying.

715. Daily Illness Screening

III Operating Requirements.

Each child must be observed early each day by a responsible adult for symptoms of a fresh cold, sore throat, inflamed eyes, fever, rash, etc. When symptoms are present then or later in the day, the child must be isolated in a separate room until his parents can call for him or other arrangements can be made for his care.

716. Care of Sick Children

See 715. Daily Illness Screening

717. Medication and Special Diet Provisions

III Operating Requirements.

Oral medication may be given to children by the staff only upon written request of the parent or guardian according to prescription of a physician.

718. Waiver of Health Requirements

III Operating Requirements.

Parents or guardians may request the group day care provider to exempt their child on religious grounds from undergoing the required physical examinations and immunizations prior to entering the day care facility. The day care provider has the option of deciding whether or not to allow the exemption and enroll the child. However, the provider should follow a consistent policy concerning these exemptions (e.g., the provider should not enroll one child who has been exempted on religious grounds from the physical examination and immunizations and refuse to enroll another child in the same situation). The provider should also keep a list of children enrolled in the facility who have been allowed the exemption.

If the provider allows the exemption and enrolls the child, and should a case of measles occur at the facility, the exempted child may not attend the facility for at least two weeks from the onset of the disease or until two weeks after the last case has been reported.

The parent or guardian of the exempted child must sign a form provided by the Division which states that he/she understands the above-mentioned provisions and agrees to abide by the Division of Public Health's decision regarding an outbreak of communicable disease as it affects the child's attendance at the day care facility. The form is given to the day care provider and must be signed before the child enters the day care facility.

720. SAFETY

721. General Safety Requirements

III Operating Requirements.

There must be an outside play area which is free from hazards such as hidden corners, unprotected pools, wells, steps, poisonous plants such as poison ivy; farm or lawn machinery or implements. If any part of the play area is adjacent to a highway, on the roof, or in other dangerous areas, fencing must be provided of such construction and extent that the children are protected from attendant hazards.

All group day care facilities must adhere to the 1976 Life Safety Code for group day care facilities.

722. Fire Safety Requirements

III Operating Requirements.

Fire drills must be conducted at least once a month by the director of the facility and a log must be kept of the time, date, exits used and the reasons for any delays. This log must be inspected annually by the local fire chief or a representative from the Division of Welfare.

723. Transportation

III Operating Requirements.

Day care centers must encourage parents to transport their children to and from the day care center.

If a day care center provides transportation, it must assume responsibility for a child between the place where he is called for and the facility, and from the time he leaves the facility until he is delivered to his parent or to a responsible person designated by the parent.

Any vehicle operated by a day care center must be licensed in accordance with the laws of the State of New Hampshire, and the operator thereof may not be less than 18 years of age and must hold a proper license to drive such vehicle. Vehicles operated by a day care center for the transportation of children must be maintained in safe operating condition and be clean and free of obstruction on the floors and seats of vehicles.

No child may be permitted to remain in any vehicle unattended. Children may not be loaded or unloaded except from the curb side of the vehicle and at the curb. Any vehicle used for the transportation of children must be provided with safety door locks and the doors of such vehicle must be opened and closed by the operator of the vehicle and kept locked at all times while the vehicle is moving.

Only the number of children and adults for whom there is comfortable seating space as design of the car provides may be transported by the center in one vehicle. No child may be permitted to stand in the vehicle while being transported. No more than three persons, including the driver, may be permitted to occupy the front seat of the vehicle.

An additional person over 16 must be in any vehicle carrying more than six children.

724. Safety Requirements for Equipment

III Operating Requirements.

Play equipment must be safe, clean and easily accessible to the children. It may not consist of any material, be colored by any material, or be covered by any material which is poisonous. For example, all paints must be lead free, and aniline dyes or easily flammable plastic toys may not be used.

The ground area under swings, slides, jungle gyms, see saws and similar equipment may not be paved or must be covered by a mat.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

III Operating Requirements.

Written permission for emergency medical care must be secured at the time of admission to the facility.

Emergency care of injuries is limited to simple first aid procedures. A parent must be informed of all injuries to his child on the day of the injury.

There must be a planned source of available medical care. When a provider takes a child for emergency medical attention, provision must be made for ongoing care for the other children in the day care facility.

There must be a written plan covering the handling of injuries and emergencies which must be approved by the licensing authority and posted in the day care center. Each staff member must be familiar with it. It shall contain the following items:

location and contents of first aid supplies;

procedures for notification of parents;

name, address, and telephone number of hospitals to which child should be taken in case of acute emergency when parent cannot be reached or delay would be dangerous;

directions for reaching police and fire department (which shall be posted at telephone);

procedures for obtaining emergency transportation;

procedure for recording injury.

727. First Aid Supplies

III Operating Requirements.

The provider must have first aid supplies available and centrally located.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

III Operating Requirements.

Wholesome foods handled in a sanitary manner and attractively served must be provided in the variety and amounts necessary to meet the following standards:

When children are cared for:

3 to 4 hours - light, but nutritious midmorning or afternoon snacks must be given at least two hours before the next meal.

5 to 8 hours - 1/3 to 1/2 of total daily food needs must be given in one meal (other than breakfast) and one or more snacks.

9 hours or more - at least 2/3 of total daily food needs must be given.

Food may not be used as a punishment or reward.

812. Waiver of Requirements

III Operating Requirements.

Children with food allergies or other conditions requiring special diets or having vitamin supplements prescribed by a physician must be served foods and/or supplements in the amount and variety requested by the signed order of the physician.

820. FOOD PREPARATION821. Food Preparation and Service Requirements

III. Operating Requirements.

The cooking area of the kitchen must be separated from the other rooms by door or gate so that the children have access to it only under supervision. This area may be used only for the sanitary storage and preparation of food and for the washing and sanitization of eating and drinking utensils. The cooking area must be clean, orderly, well lighted and ventilated and provided with hot and cold running water.

There must be provision for the refrigeration and storage of food, and there must be a thermometer in the refrigerator. Milk and perishable foods must be stored in the refrigerator. All foods must be kept in clean and covered containers so that they are inaccessible to rodents and insects.

Fresh milk and milk products served to children must be pasteurized and must be kept at a temperature below 45 degrees Fahrenheit until mealtime.

Sanitary drinking water supplied by sanitary means must be located in or convenient to rooms occupied by the children. Single-service drinking cups or individual cups in good condition must be provided for each child. Any cups or dishes other than single-service must be washed and sanitized after each use.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENT

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

III Operating Requirements.

There must be at least one room for the exclusive use of each group of children and the staff caring for them. There must be a minimum of 35 square feet per child of floor area in quarters regularly occupied by children. This space must be exclusive of hallways, lockers, wash and toilet rooms, isolation rooms, cooking areas of kitchen, closets and offices.

Space for children's possessions must be provided.

It must contain at least 75 square feet of usable play space per child using it, and the average width must not be less than 8 feet. Some part must at any time be accessible to direct sunlight.

There must be a private area with a cot for children requiring isolation from the group in case of emergency illness or when a child needs to be by himself.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

III Operating Requirements.

All enclosed areas used by the children must be adequately lighted, heated, and ventilated. Temperatures should be maintained at a comfortable level, but no less than 65°F.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

III Operating Requirements.

There must be adequate toilet and washing facilities in a ratio of not less than one toilet and wash basin for 15 children. In the case of half-day facilities, the ratio must be no less than one toilet and wash basin for 20 children.

If adult toilet and wash basin facilities are used by children under five years of age, these facilities must be accompanied by stools or platforms which will raise the floor level to such height that children can use the facilities without assistance. These stools or platforms must be so constructed that they will not tip over.

Hot and cold water must be provided. For water used by children, there must be an automatic control to prevent temperature rising above 120 degrees Fahrenheit.

Individual toilet articles, if provided, must be maintained in a sanitary condition. Separate space must be assigned to each child for his toilet articles.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

III Operating Requirements.

All group day care facilities must adhere to the 1976 Life Safety Code for group day care facilities. The approval of the State Fire Marshal is necessary if a group day care facility receives State funds.

See also 722 . Fire Safety Requirements

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the New Jersey Department of Human Services, Manual of Standards for Child Care Centers, January, 1981.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§10:122-1.2 Definitions.

"Child" means any person over the age of two (2) and under the age of five (5) years.

"Child Care Center" or "Center" means any facility, by whatever name known, which is maintained for the care, development or supervision of six (6) or more children for less than twenty-four (24) hours a day. This term shall include, but shall not be limited to, such programs as day care centers, drop-in centers, night care centers, nursery schools, play schools, cooperative child centers and centers for handicapped children or children with special needs.

§10:122-1.3 Program Descriptions.

A licensed child care center shall offer one (1) or more of the following types of program.

Pre-School - a program serving children during the normal waking hours (7:00 a.m. to 7:00 p.m.) and providing for the care of children on a regularly enrolled and scheduled basis.

Drop-In - a program serving children seventy (70) percent or more of whom are not regularly enrolled in the program and are cared for on an occasional and unscheduled basis during the normal waking hours (7:00 a.m. to 7:00 p.m.).

Special Needs - a program serving regularly enrolled children fifty (50) percent or more of whom have a physical, emotional or intellectual handicap, or learning disorder. This shall include privately operated centers approved by the State Department of Education.

Hours of Care

Pre-School, Drop-In and Special Needs Programs

No child shall be cared for at a center for more than twelve (12) hours within a twenty-four (24) hour period.

112. Exclusions and Exemptions

§10:122-1.2 Definitions.

The term "Child Care Center" or "Center" shall not include:

public or private foster homes, group homes, residential treatment facilities and children's shelters;

centers operated by a properly organized and accredited church or an aid society of a properly organized and accredited church;

centers operated by any fraternal society organized for aid and relief of its members;

centers operated by the Department of Human Services or any other public agency operated by a county, city, municipality or school district;

any children's home, orphan asylum, children's aid society, or society for the prevention of cruelty to children, incorporated under the laws of this State and subject to visitation or supervision by the State Department of Human Services, except in the conduct of a philanthropic day nursery;

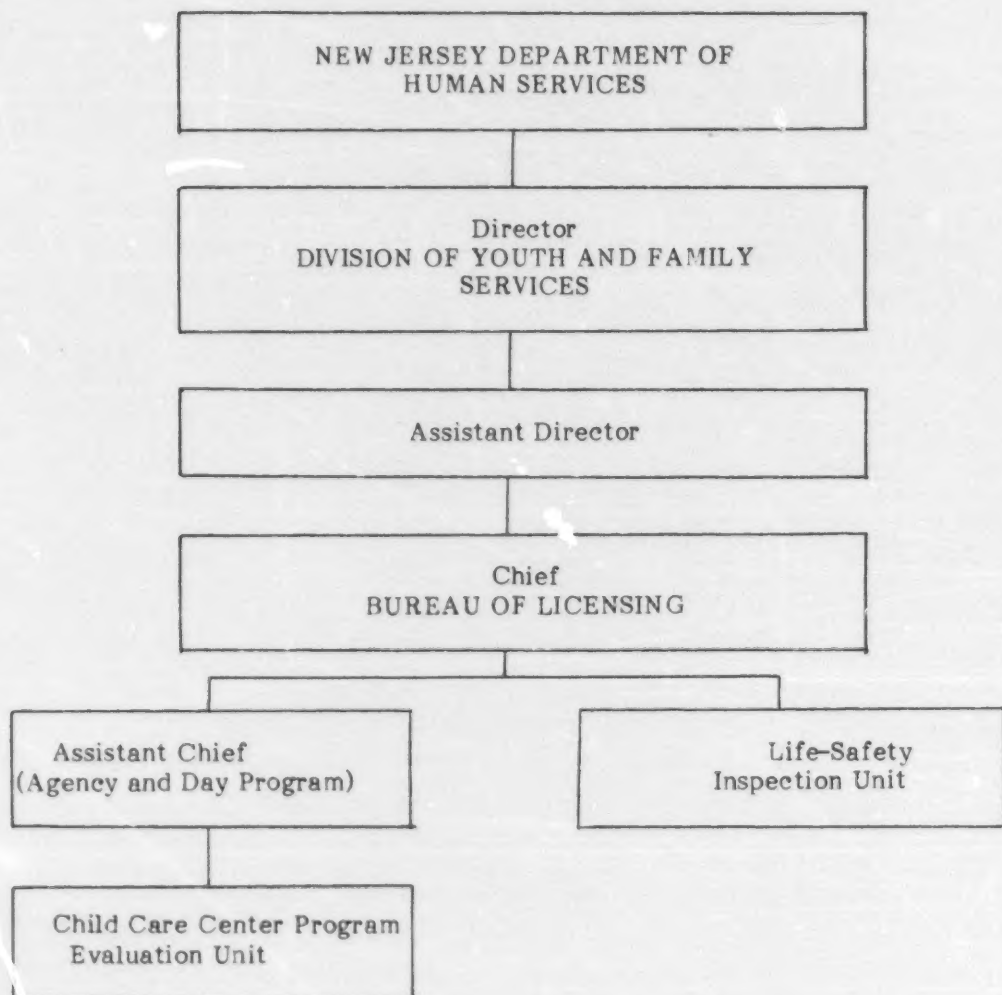
special activities programs for children, including athletics, hobbies, art, music, dance, or craft instruction;

youth camps required to be licensed under the Youth Camp Safety Act of New Jersey; or

day training centers operated by the Division of Mental Retardation within the Department of Human Services.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

Licenses are issued at the state/central office level and revoked by the Attorney General. The day to day licensing functions are carried out by staff working under the direct supervision of the state/central office.

122. Responsible Official

All inquiries should be addressed to:

Chief-Bureau of Licensing
Division of Youth and Family Services
New Jersey Department of Human Services
1 South Montgomery Street
Trenton, New Jersey 08623
(609) 292-1879

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

N. J. STAT. ANN. §18A:70-3 Standards Governing Education, Health, Welfare and Transportation.

The commissioner, after consultation with the commissioner of Education and the state commissioner of Health, or any person or persons whom they shall designate to act for them, shall prescribe suitable standards governing the education, health, and welfare of the children cared for in any child care center, and the transportation of children to and from school when the transportation is furnished by such child care center.

212. Advisory Body and Other Community ParticipationSee 211. Promulgation of Regulations220. LICENSING PROCEDURE221. Application and Issuance

§10:122-2.1 Application for License.

No person shall conduct, maintain or operate a child care center unless the center first secures a license to do so from the Bureau pursuant to provisions of the child care center licensing law and of the Manual of Standards. Operation of a child care center without a valid license as required by law constitutes a misdemeanor.

A completed application for a new or renewed license for a child care center shall be filed with the Bureau at least forty-five (45) days prior to the anticipated opening of a new center or the expiration of an existing center's license.

Applicants for an initial or renewal license shall submit the following with the completed application form:

written certification from the municipality or county in which the child care center will operate stating that the physical facility meets local government code approval as specified in Subchapter 5.1 of the Manual of Standards;

written documentation of employee qualifications and credentials, including written verification of previous employment experience for those staff members, as required by Subchapter 4.3 of the Manual of

Standards; and a written outline of the center's program, which shall include the philosophy, goals and objectives of the program, and plans for implementing the program offered at the center.

§10:122-2.2 Issuance of License.

The Bureau shall review the application for a license and materials submitted with it, and shall conduct an on-site physical facility inspection and program evaluation of the child care center to determine whether the center meets all provisions of the law and of the Manual of Standards, and if so, shall issue a regular license to the center. The Bureau shall provide notice if the license will not be granted or renewed.

Each licensing period, which may include the issuance of one (1) or more temporary licenses and/or one (1) regular license, shall be three (3) years.

In determining the expiration date of the first regular license, the Bureau shall compute the three (3) year period of licensure from the date of issuance of the first temporary or regular license.

In determining the expiration date of a renewed regular license, the Bureau shall compute the three (3) year period of licensure from the date on which the center's previous regular license expired, unless the center ceased to operate for a period of at least six (6) months following the expiration date of its previous regular license.

The license shall be issued to a particular child care center sponsor at a particular location and shall not be transferable. Any change in sponsorship, location or program type of the center shall necessitate application for and receipt of a license reflecting the change. An application fee shall not be required in cases of a change in location, sponsorship, or program during any period in which a license is in effect; provided, however, that this license shall be given the same expiration date as that of the previous license.

When two (2) or more child care centers are to be operated at different locations by the same sponsor, the sponsor shall submit to the Bureau a separate application for a license and licensing fee for each center. Each such center, if it qualifies for licensure, shall receive a license from the Bureau. When two (2) or more child care centers are to be operated on the same premises by the same sponsor, the sponsor shall submit to the Bureau a single application for a license and licensing fee.

No child care center shall make claims either in advertising or in any written or verbal announcement or presentation contrary to its licensing status or to any type of program not authorized by the license.

222. Fee Charged

\$10:122-2.1 Application for License.

Applicants for an initial or renewal license shall submit the following with the completed application form:

a \$75.00 licensing fee in the form of a check or money order made payable to "The Treasurer, State of New Jersey." In the event the application is denied, or the center does not open, the Bureau shall return this fee to the applicant. The licensing fee shall be payable with each application to renew a license. Once a license is issued, the licensing fee, or any portion thereof, shall not be refundable if the center discontinues operating voluntarily or involuntarily....

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

• See 221. Application and Issuance

225. Conditional/Provisional Licenses

§10:122-2.2 Issuance of License.

If the Bureau determines that a child care center is in substantial compliance with, but does not meet all applicable provisions of the law and of the Manual of Standards, and providing the extent of the center's deviation from such requirements is not deemed serious or imminently hazardous to the health, safety, well-being and proper development of the children, the Bureau shall issue a temporary license. When a temporary license is issued, the Bureau shall provide a written statement explaining what the center must do to achieve a regular license. Such a temporary license may be issued for a period not to exceed six (6) months. The Bureau may renew the temporary license as often as it deems necessary; provided, however, that a center shall not operate pursuant to temporary licenses for more than a total of eighteen (18) months.

226. Substantial Compliance

See 225. Conditional/Provisional License

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

§10:122-2.3 Causes for Denial, Suspension or Revocation of a License.

A child care center's license may be denied, suspended or revoked for good cause, including, but not limited to the following:

failure to comply with provisions of the State's child care licensing law or of the Manual of Standards;

violation of the terms and conditions of a license;

use of fraud or dishonesty in obtaining a license or in the subsequent operation of the center;

refusal to furnish the Bureau with files, reports or records as required by these rules and regulations;

refusal to permit an authorized representative of the Division to gain admission to the center; or

any activity, policy or conduct that adversely affects or presents a serious or imminent hazard to the health, safety and well-being of any child attending the child care center, or that otherwise demonstrates unfitness or inability to operate a child care center.

If a child care center's license is suspended, it shall be reinstated by the Bureau once the center achieves compliance with provisions of State child care licensing law and of the Manual of Standards. In such a case, it is not necessary for the center to submit a new application for a license and application fee. However, if the Bureau revokes a center's license to operate, the center shall submit to the Bureau a new application for a license and application fee, meet the provisions of State child care licensing law and of the Manual of Standards and secure a new license to operate prior to resuming operations.

Each license issued by the Bureau to a child care center remains the property of the State of New Jersey. If a center's license is suspended or revoked or upon the permanent closing of the center by the sponsor, the sponsor shall return the center's license(s) to the Bureau immediately.

233. Remedies and Sanctions233.1 Hearings

§10:122-2.4 Administrative Hearings; Appellate Review.

The Bureau shall have the authority to request the scheduling and conducting of an administrative hearing whenever it determines that a hearing is necessary to effectuate the purpose of the State child care licensing law or of the Manual of Standards.

The Bureau, before denying, suspending, or revoking a license or refusing to renew a license previously granted, shall afford the applicant or licensee an opportunity for an administrative hearing. If the applicant or licensee does not request an administrative hearing and the center remains out of compliance with the State child care licensing law or the Manual of Standards, the Bureau shall refer the matter to the Attorney General, New Jersey Department of Law and Public Safety. A center that has not made application for a license may not be afforded an opportunity for an administrative hearing.

Hearings shall be conducted by the Office of Administrative Law, New Jersey Department of State, in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1, et seq.) and rules of practice and procedures governing administrative hearing conducted by the Office of Administrative Law. Any center scheduled for a hearing shall receive a notice of such hearing. Hearings are governed by the rules of practice and procedure in accordance with N.J.A.C. 19:65-1.1 et seq.

All administrative hearings shall be held before an Administrative Law Judge designated by the Office of Administrative Law.

233.2 Decisions

Not specified

233.3 Judicial Review

§10:122-2.4 Administrative Hearings; Appellate Review.

Any child care center aggrieved by a Final Decision of the Division Director may seek judicial review in the Appellate Division of the New Jersey Superior Court. All petitions for review shall be filed in accordance with the Rules Governing the Courts of the State of New Jersey. Unless otherwise ordered by a court of competent jurisdiction, the Division Director's decision shall not be stayed pending appeal.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§10:122-2.2 Issuance of License.

The license shall be posted and displayed by the sponsor at all times in a location of prominence within the center.

§10:122-3.1 Administrative Responsibility.

The sponsor of the child care center shall have responsibility for the overall administration of the center and the quality of child care, development and supervision, and staff training provided therein. The sponsor may serve as, or appoint, a director, who shall be responsible for the actual management and operation of the center.

§10:122-3.2 Reporting Requirements.

The center shall notify the Bureau of any of the following changes or events within twenty-four (24) hours, after any of them occur, to be followed by written notice not later than five (5) working days after any of them occur:

unanticipated permanent closing of the center;

any legal action against a center or staff member which involves or affects any child or the operation of the center;

any damage to the premises of the center caused by fire, accident or the elements; and

any injury requiring hospitalization or resulting in the death of any child which occurred while the child was on the premises of the center or while in the care of center personnel.

The center shall report to the Bureau in writing any change in name or location of the center within fourteen (14) working days prior to the change.

The center shall report to the Bureau in writing any of the following proposed changes within thirty (30) working days of the change:

sponsorship of the center;

program category;

telephone number of the center;

the utilization of space not previously approved in the center;

director, head teacher, group teacher and all other staff; and

anticipated long range or permanent closing of the center (temporary closings, such as for holidays and vacation, need not be reported).

§10:122-3.3 Records.

All records required to be maintained by the center pursuant to the Manual of Standards shall be open to inspection by an authorized representative of the Bureau.

The center shall maintain in its files a copy of the center's insurance coverage, including:

- comprehensive liability insurance;

- if applicable, vehicle insurance;

- transportation records, if the center provides transportation;

- a written record of the performance of required monthly fire drills, including the date and time of day, the number of children and staff members who participated, the total amount of time necessary to evacuate the center for each fire drill, and the name of the fire official or Bureau representative present at the fire drill that must be attended by such person annually;

- a copy of the current child care licensing law and of the Manual of Standards;

- employee work schedule and time sheets; and

- daily attendance records for the children enrolled.

§10:122-4.1 Basic Information.

Every center shall have a head teacher, who shall be responsible for developing and implementing the center's educational, child development and activities program and for supervising the implementation of the program.

A person who teaches under the supervision of a head teacher shall be a group teacher.

A person who assists the head teacher and/or group teacher in teaching, supervising, and/or caring for children in a group program shall be an assistant.

The director and every staff member shall:

be of good character and reputation;

respect and understand children, be sensitive to and capable of meeting their needs;

make a full disclosure of his/her background, experience, previous work, schooling, and arrests and convictions, if any;

be in sufficient physical, mental and emotional health to perform his/her job duties satisfactorily; and

be qualified by professional education, knowledge, training and/or experience to carry out the functions of the position to which s/he is assigned and possess such other skills, attributes and characteristics necessary to the proper performance of the job in an effective and suitable manner.

The Bureau shall make every effort to insure that the director meets the above criteria and the director, in turn, shall be responsible for insuring that all staff members of the center likewise meet the above-noted criteria. The director's failure to do so shall constitute grounds for his/her termination from the center or revocation of the center's license or both.

§10:122-6.1 Health.

The center shall report any outbreak of communicable disease to the local health official without delay.

§10:122-6.2 Enrollment and Space.

At no time shall a center allow more children in attendance than the number specified on its license.

A center may enroll up to fifteen (15) percent more children than the maximum number of children permitted to be served, as specified on its license, providing that it documents in writing to the satisfaction of the Bureau that its rate of absenteeism is such that an over-enrollment would not result in more children attending the center on a given day than is permitted by its maximum number, as specified on its license.

312. Telephone

§10:122-3.6 Telephone.

The center shall have a telephone. The telephone number shall be listed in the public telephone directory under the name of the center, not the name of the facility in which the center is located (such as a church, shopping center, etc.).

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

See 311. General Administrative Requirements

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§10:122-4.1 Basic Information.

A staff member's failure to comply with the above-noted requirements and/or any evidence demonstrating a staff member's unfitness or unsuitability to fulfill the responsibilities and duties of his/her position or to serve or deal with children in an appropriate manner shall constitute grounds for removal of such staff member from his/her position, termination from the job, and suspension or revocation of the center's license, or all of the above. Evidence of conviction for crimes of violence, anti-social behavior, moral turpitude and/or child abuse/neglect/exploitation shall be among those actions suggesting evidence of a staff member's unfitness and unsuitability to serve in a staff position in a center.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

§10:122-3.3 Records.

The center shall maintain in its files an up-to-date record on each child and it shall include:

the child's full name, address, birth date, date of enrollment, date of termination, and reason for termination, except drop-in centers, which shall not be required to maintain the date of termination and reason for termination;

name, home address, employment address, and telephone number of parent(s); instructions for reaching parent(s);

names, addresses, and telephone numbers of properly identified person(s) authorized to take the child to or from the center and to assume responsibility for the child in an emergency if parent(s) cannot be reached immediately;

name, address, and telephone number of the child's physician;

health information, as required and specified in Subchapter 6.1;

written authorization from parent(s) for emergency medical care; and

Injury and illness record, including reports of any accidents, of treatment by a physician, or of injury or death of a child while on the premises or in the care of the center.

(For Drop-In Centers)

The center shall record daily the time of arrival and time of departure for each child.

Additional Records Requirements for Children with Special Needs.

Any center which serves any child having a physical, emotional or intellectual handicap, including mental retardation, social maladjustment, perceptual impairment, neurological impairment, auditory handicap, emotional problems, communication handicap, or orthopedic handicap, shall obtain, prior to the child's admission to such program or as soon as possible following admission, and retain in the center's files, a statement from a physician or other professional qualified to diagnose such a child. The statement shall indicate the particular nature of the child's handicap and any program or environmental modification that would be required to meet the exceptional child's needs.

342. Staff

§10:122-3.3 Records.

The center shall maintain in its files an up-to-date record of every staff member for as long as that individual is working at the center. The record shall include:

- staff member's name, address, and telephone number;
- information on health; and
- dates of employment or work.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

§10:122-3.2 Reporting Requirements.

Any person who has reason to believe that a child has been or is being abused or neglected is required to report this directly to the Division, as required by provisions of the Child Abuse and Neglect Statute (N.J.S.A. 9:6-8.21 et seq.). Copies of the law and information about it are available from the Division, upon request.

345. Confidentiality of Records Requirements

§10:122-2.6 Public Access to Licensing Records.

Licensing files maintained by the Bureau are public records and shall be readily accessible for examination by any person, except when public access to records is restricted in certain circumstances or situations in keeping with the State Public Records Law or other appropriate statutes. The following records pertaining to child care centers shall not be available for public disclosure or examination:

- a report, correspondence or other informational materials pertaining to
- a complaint investigation while the investigation is still in progress;

medical records on any child or staff member served or employed by a child care center unless written authorization to release those records is submitted by the child's parent or, in the case of staff members, the staff member or center director;

all information secured in the course of the investigation of suspected child abuse/neglect allegations, in accordance with the provisions of N.J.S.A. 9:6 - 8.10 and 11, which are governed by the confidentiality of records in accordance with N.J.S.A. 9:6 - 8.10a. Such records are not open to public disclosure or access, regardless of whether the investigation is in progress or has been completed. Such information shall be made available only to those individuals authorized under this statute to have access to the information; or

other records whose disclosure would be detrimental to the public interest. The State Public Records Law permits certain records to be restricted when, in the determination of the regulatory authority, such disclosure would be detrimental to the public interest.

Every person shall have the right, during regular business hours and under the supervision of a representative of the Bureau, to inspect records open to the public, to copy those records by hand and to purchase copies of those records in accordance with the Bureau's schedule of fees for reproducing public records. Copies of records shall be made available upon payment of the price established by law or by policy of the Department, Division or Bureau.

§10:122-3.3 Records.

A parent or authorized representative shall have access to the child's record at any time during the child's enrollment at the center. Upon the permanent departure of a child from a center, the parent shall be provided, upon request, with a copy of all records concerning the child. Such records shall be maintained by the center for a minimum of thirty (30) days following the child's departure.

The Bureau shall have access to any child's individual records, provided that such access shall be solely for the purpose of determining compliance with the Manual of Standards.

The center shall not release the individual record of any child to any person not authorized to receive such records without prior written consent of parent(s), except pursuant to court order.

400. GROUP COMPOSITIONS OF CHILDREN**410. STAFF/CHILD RATIO REQUIREMENTS****411. Staff/Child Ratio as of March, 1981****§10:122-4.4 Staff/Child Ratios.**

A minimum of two (2) staff members shall be on the premises at all times while children are present. The children shall not be left unattended at any time.

In centers serving over thirty (30) children, a qualified head teacher shall be on the premises full time.

In centers serving thirty (30) or fewer children and having a qualified head teacher on the premises less than full time, a qualified group teacher shall be on the premises full time.

The following staff/child ratios shall apply for each program category listed below:

Pre-School and Drop-In Programs

2 year olds	10 children	1 staff member
3 year olds	10 children	1 staff member
4 year olds	15 children	1 staff member

412. Methods of Computing Staff/Child Ratios

§10:122-4.4 Staff/Child Ratios.

In computing the required staff size for a center, the Bureau shall apply the staff/child ratios, noted in (d) above, for each program category to the actual number of children in attendance at the center. The total number of staff required for a center shall be the cumulative number of staff required per room. The number of staff per room shall be computed by dividing the number of children in attendance per room by the staff/child ratio required for the age of the children served.

When this resulting figure is not a whole number, the computation for required staff shall be determined by rounding the figure to the nearest whole number. If the resulting figure is below .5, an additional staff member shall not be required; if it is .5 or above, an additional staff member shall be required.

When children of mixed ages requiring different staff/child ratios are in one room, the Bureau shall compute the staff/child ratios applicable for each age group separately to the nearest tenth decimal. If the resulting cumulative figure for both age groups is below .5, an additional staff member shall not be required; and if it is .5 or above, an additional staff member shall be required.

Staff members not meeting the educational and/or experience requirements for head teacher or group teacher may be counted in computing a center's staff-child ratios, but must work under the direct supervision of the head teacher or group teacher.

For purposes of determining whether a required staff-child ratio is met, only those staff members who are involved in the care and supervision of children shall be counted. Non-teaching directors as well as clerical, housekeeping and maintenance staff shall not be counted for such purposes, although they may be used as substitutes in the classroom in cases of emergency.

Staff members under sixteen (16) years of age working in the center shall not be counted for purposes of computing the staff-child ratio. Any individual under eighteen (18) years of age working at the center must be under the direct supervision of a head teacher or group teacher.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Method of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

\$10:122-4.2 Health Requirements for Staff.

Prior to employment, each staff member of a center who comes in contact with the children for at least one (1) full day a week shall take a tuberculin tine or Mantoux test or chest X-ray and submit to the center written proof of having received satisfactory results from such a test.

Such tests shall be taken by staff members at least once every three (3) years. Any person who fails to receive satisfactory results from or to submit to such a test shall be prohibited from having contact with or preparing food for the children at the center.

Prior to employment, each staff member of a center who comes in contact with the children for at least one (1) full day a week shall submit a written statement from a physician that s/he is in good health and free from chronic or recurrent communicable diseases. Such statement shall be based on an examination conducted within the six (6) months immediately preceding such person's association with the center.

Any staff member who, upon examination, shows indication of a physical, emotional or mental condition that could be hazardous to a child, other staff or self or that would otherwise prevent satisfactory performances of duties shall not be assigned or returned to a position until the condition is alleviated to the satisfaction of the examining physician and the director.

Any staff member who objects to a physical examination or tuberculin test on grounds that it conflicts with the tenets and practices of a recognized church or religion of which s/he is an adherent or member shall be exempt from complying with such requirements. In such case, the director shall submit to the Bureau a written statement to that effect certified by the staff member.

513. Education

§10:122-4.3 Staff Qualifications.

A group teacher shall possess, as a minimum, the qualifications listed below for the appropriate program category.

Pre-School Program - A group teacher shall:

have had two (2) full years of college work.

have had fifteen (15) semester hours of college work in the areas of nursery school curriculum and child development.

have had one (1) year's teaching experience as an assistant or as a student teacher in an approved nursery school, or shall:

have had fifteen (15) semester hours of college work in the early childhood education, including child development and curriculum, and be enrolled in a college program.

have had two (2) years' experience as an assistant in an approved nursery school (under a qualified nursery school teacher).

Drop-In and Night Care Programs - A group teacher shall:

meet the pre-school program group teacher qualifications or shall:

have had two (2) full years of college work.

have had fifteen (15) semester hours of college work in the areas of early childhood education, elementary education, psychology, social work, nursing or any other field related to child growth and development.

have had at least one (1) year of teaching experience as an assistant or as a student teacher in a group program for pre-school age children, or shall:

have had fifteen (15) semester hours of college work in the early childhood education, elementary education, psychology, social work, nursing or any other field related to child growth and development, and be enrolled in a college program.

The head teacher shall possess, as a minimum the qualifications listed below for the appropriate program category.

Pre-school Program - The head teacher shall:

hold a New Jersey nursery school certificate, or shall:

have had at least two (2) years' teaching experience in an approved nursery school as a teacher.

hold a New Jersey Teacher's Certificate with a nursery school endorsement, based on six (6) semester hour credits or specialized nursery school training as specified in the rule.

have had at least two (2) years' teaching experience in an approved nursery school (under a qualified nursery school teacher).

Drop-In and Night Care Programs - The head teacher shall:

meet the pre-school program head teacher qualifications as stated above, or shall:

possess a bachelor's degree in early childhood education, elementary education, psychology, social work, nursing or any other field related to child growth and development, and have had at least two (2) years of teaching experience in a group program for pre-school age children.

Special Needs Program - The head teacher shall:

possess a New Jersey Teacher of the Handicapped Certificate, as specified by the Department of Education's rules with regard to this credential, and have had at least two (2) years of teaching experience in a group program for pre-school age children, or shall:

possess a bachelor's degree in special education and have had at least two (2) years of teaching experience in a group program for pre-school age children, or shall:

possess a New Jersey Nursery School Teacher's Certificate and have had at least two (2) years of teaching experience in a group program for pre-school age children with special needs.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

§10:122-4.1 Basic Information.

Every center shall have a director who is responsible for the actual operation and management of the center. The director shall be qualified by demonstrated professional knowledge, training and experience to fulfill the responsibilities and duties of the position and shall: set up and supervise the program; supervise and approve the selection, training and evaluation of staff, and delegate responsibility, as necessary, to appropriate qualified staff members. The director may also serve as the head teacher, providing s/he possesses the qualifications for that position.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

§10:122-4.5 Staff Training and Development.

Child care center directors shall encourage and, wherever feasible, enable staff members to pursue educational and training opportunities related to their positions and/or responsibilities in the center, including courses, college credit courses, lectures, Child Development Associate (CDA) training, seminars and institutes in fields relevant to the center's program and the children served and for the intellectual development of the staff.

As resources permit, the Bureau shall provide technical assistance, materials and information to all licensed centers in fields relevant to the center's program and the children served.

542. Child Caregiver StaffSee 54l. Program Director543. Support StaffSee 54l. Program Director600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS61l. Program of Activities

§10:122-6.5 Activities.

The center shall provide a variety of planned activities and sufficient equipment and supplies so that each child attending the center will have adequate stimulation and an opportunity to choose materials freely for many learning experiences. Activities shall be provided in a manner that encourages personal independence, feelings of self-worth, group interaction and communication and development of personal skills. The program and activities shall be geared to the age level of the children served and shall promote the physical, emotional, social, and intellectual development of the children served. The center shall make available to the parent(s) of children served and the public a written description of the activities program it offers, upon request.

(For Pre-School, Drop-In and Special Needs Programs) The center shall include in its program a minimum of five (5) activities from those listed below.

Art Activities

Suggested supplies include paints (tempera, poster and finger), easels, crayons, blunt scissors, paste and clay.

Building Activities

Suggested supplies include large and small blocks and toy boats, cars, planes, trains and animals.

Reading and Language Activities

Suggested supplies include picture and story books, flannel boards and other materials which promote discussion and verbal exchange.

Dramatic Activities

Suggested supplies include toy telephones, toy ironing boards and irons, dress-up clothes, large mirror placed at child's level, puppets and material for costumes.

Large Muscle Activities

Suggested supplies include saw horses, barrels, climbers, ladders, work benches, sand, water wheel toys, slides and balls.

Manipulative Activities

Suggested supplies include pegs, beads, lotto, puzzles, pounding boards and small building sets.

Musical Activities

Suggested supplies include piano, records, record player, drums, cymbals, bells, rhythm sticks and radio.

Science Activities

Suggested supplies include aquarium with fish, non-poisonous seeds and flower pots, plants, blunt gardening tools, dry batteries, magnets, compass, ropes and pulleys and magnifying glass.

Water Activities

Suggested supplies include plastic basins, soap suds, sand and dirt.

Cooking Activities

Preparing food according to simple recipes is recommended.

(For Drop-In Programs) The activities shall be planned in such a way that the continual arriving and departing of children are not disruptive to the overall program.

612. Program Equipment and Materials

\$10:122-6.6 Program Equipment.

Child-size durable furniture shall be provided in sufficient quantity to meet the needs of the children.

See also 611. Program of Activities

613. Nap Provision

\$10:122-6.4 Rest and Sleep.

During designated rest or sleep periods, the center shall provide each child with his/her own sleeping equipment, such as crib, bed, cot (plastic molded contoured cots are acceptable) or mat. (Mats are permitted for night care programs only when used in conjunction with a cot, as specified in (c) below.)

Every crib, bed, cot or mat shall be equipped with a clean sheet and blanket. Sheets and blankets shall be replaced as frequently as needed when wet, soiled or damaged. Sheets and blankets shall be stored separately and laundered at least once a week.

Sheets and blankets shall be individually labeled with the child's name. (Drop-In centers shall not be subject to this requirement.)

At no time shall two (2) or more children simultaneously share the same crib, bed, cot or mat. A child shall not be permitted to rest on the same crib, bed, cot or mat that another child has occupied without changing the sheet and blanket.

Cribs, beds, cots or mats shall be placed at least one (1) foot apart and shall be arranged so as to provide each child with direct access to a three (3) feet wide aisle which leads to an unobstructed exit(s).

The staff responsible for supervising the children during rest or sleep periods shall be awake at all times in the vicinity of the children, so that they are readily available to insure that the needs of the children are being met.

Natural or artificial light shall be provided during the rest and sleep period to enable staff members to observe the children at all times.

Pre-School, Drop-In and Special Needs Programs

There shall be an opportunity for a mid-session rest and/or sleep period in programs where the same group of children are in attendance for more than four (4) consecutive hours.

614. Discipline and Guidance

310:122-6.8 Discipline.

The methods of guidance and discipline used shall be positive, consistent with the developmental needs of the children and applied with the full knowledge, understanding and approval of the parent(s).

There shall be no use of physical hitting, corporal punishment, abusive language, ridicule, or harsh, humiliating or frightening treatment.

Discipline shall not be associated with the behavior of children in regard to rest, toilet training or food.

Children shall not be isolated as a punishment, confined without supervision, or forced to take an uncomfortable position or to repeat physical movements.

Physical exercises shall not be used as a means of punishment or discipline.

Group punishments of children for the misbehavior of one or more individual children shall be prohibited.

Discipline shall not be associated with the withholding of emotional response or stimulation and shall not require the child to remain silent for long periods of time.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

§10:122-6.1 Health.

The center shall make every effort to control the spread of communicable diseases, as specified in the New Jersey State Department of Health, State Sanitary Code, Chapter 2, Reportable Diseases.

Staff members with a disease in a communicable state shall not be permitted at the center.

712. Health Assessments

§10:122-6.1 Health.

Pre-School, Night Care and Special Needs Programs

Every center shall have on file a health examination certificate from a physician for each child within thirty (30) days of the child's admission to the center. The health examination certificate shall state:

the child's medical history;

information regarding immunizations and testing as required by the New Jersey Department of Health, State Sanitary Code, Chapter 14, Immunization of Pupils in Schools. This information shall be updated as additional immunizations and testing are required; and

the presence of any condition or handicap affecting the general health of the child and any recommendations for needed medical treatment or special requirements as to diet, rest, avoidance of certain activities and other care.

Drop-In Programs

In lieu of the above health certificate requirements, drop-in programs shall be required to obtain a brief statement from the child's parent describing any particular condition, handicap, or allergy affecting the general health of the child and indicating any special requirements for the child and attesting that the child is free from communicable disease.

713. Immunizations

See 712. Health

714. Sanitation

§10:122-5.2 General Life/Safety Requirements.

The indoor and outdoor facilities of the center shall be maintained in a safe and sanitary manner.

Floors, walls, ceilings, and other surfaces shall be kept clean and in good repair. These areas shall be covered or treated when necessary and no paint containing lead shall be used.

Lead paint shall not be used on and shall be removed by the sponsor from any interior or exterior surfaces of a building used as a center, or on any furniture, toys, or other equipment used therein.

When lead paint is found in areas of a center not specified under the State Lead Paint Law and Sanitary Code, the Bureau shall determine whether the lead paint is hazardous to the health, safety and well-being of the children served and, if considered to be hazardous, the sponsor shall remove the lead paint hazard.

Coatings containing asbestos shall not be sprayed-on any interior or exterior surfaces of a building used as a center, or on any equipment used therein, in accordance with regulations of the New Jersey Department of Environmental Protection.

If sprayed-on asbestos-containing materials appear to be present in a center, the Bureau shall require the sponsor to have the material tested (through laboratory analysis) to determine the contents of the material. When sprayed-on asbestos-containing materials are found at the center, the sponsor shall insure that it is removed from the building structures or premises, in a manner consistent with all federal, state and local regulations and guidelines concerning asbestos removal.

In addition to all of the above requirements, the Bureau shall also require the center to take whatever steps are necessary to correct any conditions in the facility that may endanger in any way the health, safety and well-being of the children served.

\$10:122-5.3 Additional Life/Safety Requirements For Centers In Existence Before January 1, 1977.

Centers in existence and operation before or on January 1, 1977 shall be inspected by the Bureau prior to renewal of its license to insure that the center has been maintained in accordance with the following standards:

Plumbing

All plumbing shall comply with local or municipal requirements in effect at the time the structure first became a child care center and shall be maintained in good operating condition. Any new plumbing installed in the center shall be in compliance with the Plumbing Sub-Code of the UCC.

The temperature level of the water from all water taps accessible to the children shall not exceed 125°F.

§10:122-5.4 Additional Life/Safety Requirements For Centers Beginning Operation After January 1, 1977.

Any center beginning operation after January 1, 1977 and approved to operate as a center, in accordance with provisions of the UCC, shall be inspected by the Bureau prior to beginning its operation or renewal of its license to insure that the center is being maintained in accordance with the UCC, and that it meets the following requirements:

Plumbing

All plumbing shall comply with the requirements of the Plumbing Sub-Code of the UCC.

The temperature level of the water from all water taps accessible to the children shall not exceed 125°F.

§10:122-6.1 Health.

Pets kept by the center shall be domesticated and free from disease. Pets shall be inoculated as prescribed by law or as recommended by a veterinarian.

§10:122-6.3 Food and Nutrition.

Drinking water shall be available to the children. Any private well water supply shall be approved by the appropriate health authority before it is used.

§10:122-6.7 Diapering and Toilet Training.

For centers enrolling children not yet toilet trained, the center shall insure that the diapers of children are changed when soiled and shall wash and dry each child during each diaper change with sanitary individual washing material.

715. Daily Illness Screening

§10:122-6.1 Health.

The center staff shall check each child upon arrival at the center every day.

716. Care of Sick Children

§10:122-6.1 Health.

A child who is ill at the center shall be isolated from other children in a separate area of the center where s/he can be cared for until arrangements can be made for the child's return to a parent or other authorized individual.

When accidents or illnesses occur to a child, the center shall take the necessary emergency action and notify the parent(s) immediately.

Any child who has been absent for more than five (5) days because of illness or injury shall be readmitted only with a certificate from a physician.

717. Medication and Special Diet Provisions

§10:122-6.1 Health.

Medication shall not be administered to a child by a staff member unless the center has received a written approval from the child's parent(s).

Only authorized and designated staff members of the center or physicians, nurses or other qualified medical health personnel may administer medication to children.

All prescription medicine shall be authorized by the child's physician, labeled with the child's name, the name of the medication, and directions for its administration and storage, and shall be refrigerated, if appropriate. Such medication shall be kept in a secured area inaccessible to the children. Unused medicine shall be discarded or returned to the parent(s) when no longer being administered.

The center shall keep a chart posted in a conspicuous place, preferably near the medicine cabinet, which shall include information on the special health and medication needs of all children in the center and which shall contain a record of administration of medication to children.

Staff members shall note in the records of each child and shall advise the parent(s) of the occurrence of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nose bleeds, injuries, skin rash, or high temperature.

718. Waiver of Health Requirements

§10:122-6.1 Health.

Any child whose parent(s) object to a physical examination, immunization or medical treatment for their child(ren) on grounds that it conflicts with the tenets and practice of a recognized religion of which the parent(s) or child(ren) are an adherent or member shall be exempt from complying with such requirements, provided that the parents submit to the center a signed statement requesting such an exemption.

720. SAFETY721. General Safety Requirements

§10:122-5.2 General Life/Safety Requirements.

All electrical outlets that are accessible to the children shall have protective covers.

§10:122-5.3 Additional Life/Safety Requirements For Centers In Existence Before January 1, 1977.

Centers in existence and operation before or on January 1, 1977 shall be inspected by the Bureau prior to renewal of its license to insure that the center has been maintained in accordance with the following standards:

Electricity

The electrical wiring and equipment shall comply with local or municipal requirements in effect at the time the structure first became a child care center and shall be maintained in good operating condition. Any new equipment and wiring installed in the center shall be in compliance with the Electrical Sub-Code of the UCC.

§10:122-5.4 Additional Life/Safety Requirements For Centers Beginning Operation After January 1, 1977.

The electrical wiring and equipment shall comply with the requirements of the Electrical Sub-Code of the UCC.

§10:122-6.2 Enrollment and Space.

Smoking shall be prohibited in all rooms occupied by children.

722. Fire Safety Requirements

§10:122-3.5 Fire Drills.

The director of the center shall conduct fire drills at least once a month to familiarize the staff and children with the procedures for leaving the building in an emergency situation, and a record of such drills shall be maintained in the center's files. Fire drills should be conducted at different times of the day, including periods when the children are resting and sleeping. A fire official or a representative of the Bureau shall be present at a fire drill at least once a year.

All staff members shall be instructed in the use of fire extinguishers.

§10:122-5.2 General Life/Safety Requirements.

Child care centers shall not be located in the vicinity of high hazard areas (welding shops, paper storage areas, gasoline storage areas, etc.).

There shall be at least one (1) 10-rated ABC or 10-rated BC fire extinguisher located in the kitchen area and one (1) 10-rated ABC or 10-rated BC fire extinguisher located directly outside or near the boiler or furnace room. Every floor of the center shall be equipped with at least one (1) 2 1/2 gallon water pressurized fire extinguisher for every 3,000 square feet of the floor area. Fire extinguishers shall be served at least once a year and recharged, if necessary.

Fire exit signs shall be provided at all doors used as exits, with directional signs at locations where the exit may not be readily visible or understood. Any door, stairway or passageway that is not an exit, but may be mistaken for an exit, shall be identified with a sign that reads "NOT AN EXIT."

Interior drapes, curtains, panelling, mattresses, etc., shall be made of fire retardant materials.

\$10:122-5.3 Additional Life/Safety Requirements For Centers In Existence Before January 1, 1977.

Centers in existence and operation before or on January 1, 1977 shall be inspected by the Bureau prior to renewal of its license to insure that the center has been maintained in accordance with the following standards:

A minimum of one (1) approved smoke detector shall be installed at each floor level in a manner and location approved by the Bureau of local fire official.

\$10:122-5.4 Additional Life/Safety Requirements For Centers Beginning Operation After January 1, 1977

Any center beginning operation after January 1, 1977 and approved to operate as a center, in accordance with provisions of the UCC, shall be inspected by the Bureau prior to beginning its operation or renewal of its license to insure that the center is being maintained in accordance with the UCC, and that it meets the following requirements:

Pre-School and Drop-In Programs

In addition, these programs shall meet the following requirements:

A manual fire alarm system shall be installed and maintained in full operating condition.

A minimum of one (1) approved smoke detector shall be installed at each floor level in a manner and location approved by the Bureau or local fire official.

Special Needs and Night Care Programs

In addition, these programs shall meet the following fire protection requirements:

An automatic fire alarm system shall be installed and maintained in full operating condition.

A manual fire alarm system shall be installed in conjunction with an automatic fire alarm system.

723. Transportation

§10:122-7.1 General.

Any child care center providing or arranging for the provision of transportation for children to and from their homes and a center and/or in connection with an activity conducted by or through the auspices of a center shall meet the transportation requirements listed below. In cases where the center arranges for the provision of transportation through a person or agency other than the sponsor, the center sponsor shall provide to the Bureau of Licensing the name(s) and address(es) of the transportation providers. Any person or agency other than the child care center providing transportation for compensation for children to or from their homes and a center and/or in connection with any activity conducted by or through the auspices of a center shall also meet the transportation requirements.

The driver of a vehicle used for the purpose noted above shall comply with the school bus driver's license requirements of the State motor vehicle law(s) and/or regulations.

The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

Children shall never be left unattended in a vehicle.

Children shall be loaded and unloaded from the curbside of the vehicle.

The interior of each vehicle shall be maintained in a clean, safe condition, with clear passage to operable doors.

All persons on the vehicle shall be secured in seats with safety belts in all vehicles required by law to be equipped with safety belts.

When transporting more than six (6) children, there shall be one (1) adult in addition to the driver in the vehicle at all times.

The driver or second adult shall ensure that each child is received by a responsible person.

There shall be no standees on any vehicle transporting children.

Each center shall keep in a file a list of children transported, the name of each driver, a photostatic copy of his/her current bus driver's license and the year, make and model of each vehicle used.

These records shall be available upon request to any authorized representatives of the Department.

Each center or person providing transportation services shall maintain liability insurance for bodily injury or death in minimum amounts of \$300,000 per person and \$500,000 per accident. In the event that the transportation services are provided by a private individual or firm under contract or other arrangement with the center or parents, the center must maintain a file copy of that individual's or firm's insurance coverage in the amounts specified above and make a copy of such coverage available to the Department upon request.

The following additional regulations shall be required for centers servicing specially handicapped, non-ambulatory children:

A ramp device shall be provided to permit entry and exit of a child from the vehicle. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

Wheelchairs shall be securely fastened to the floor.

The arrangements of the wheelchairs shall not impede access to the exit door.

§10:122-7.2 Vehicle Requirements.

The following vehicle requirements shall apply to any center where transportation services are provided for the children, whether provided directly or indirectly by or through the auspices of a center or its sponsor or otherwise with the knowledge and/or concurrence of a center or its sponsor.

Vehicle Definitions

Type I Vehicles - Vehicles with a capacity of seventeen (17) or more persons.

Type II Vehicles - Vehicles with a capacity of fewer than seventeen (17) persons.

Vehicle Specifications

Inspection Requirements - Any vehicle used for the purposes noted in 7.1 of this Subchapter shall be registered with the Office of the County Superintendent of Schools and shall be inspected semiannually by the New Jersey Division of Motor Vehicles. In addition, the center shall conduct a daily check of the vehicle, which shall include all safety equipment, in order to insure that the vehicle is in sound operating condition.

Vehicles Manufactured After April 1, 1977

Type I Vehicles - All Type I vehicles shall comply with the specifications for Type I vehicles prescribed by the New Jersey Department of Education and with the Federal Motor Vehicles and School Bus Safety Amendments of 1974.

Type II Vehicles - All Type II vehicles with a capacity of more than six (6) persons shall comply with the specifications for Type II vehicles prescribed below in these regulations. Type II vehicles with a capacity of 10 or more persons also shall comply with the requirements of the Federal Motor Vehicle and School Bus Safety Amendments of 1974.

Vehicles Manufactured Before April 1, 1977

Type I Vehicles - All Type I vehicles shall comply with the specifications for Type I vehicles prescribed by the New Jersey Department of Education in existence at the time the vehicle was manufactured.

Type II Vehicles - All Type II vehicles with a capacity of more than six (6) persons shall comply with the specifications for Type II vehicles contained in the Standards for Approval of Child Care Centers in force at the time the vehicle was manufactured.

Type II vehicles used for purposes noted in 7.1 of this Subchapter may be utilized so long as they remain in safe, sanitary and proper operating condition. The Department of Human Services shall determine, on the basis of individual vehicle inspections and the advice of the New Jersey Division of Motor Vehicles, whether and when such vehicles shall be retired, with the decision being based on the condition of the vehicle.

Requirements for Type II Vehicles Manufactured After April 1, 1977

All vehicles with a capacity of more than six (6) but fewer than seventeen (17) persons shall comply with the following requirements:
The minimum seat width allowance shall be 12 inches per child.

Seats and back rests shall be securely fastened and shall face forward.

Exit from any seat in the vehicle must have a minimum unobstructed clearance of 10 inches. Seating that requires the folding of any seat ahead in order to exit may not be utilized for the children. Seats that are not facing forward or that require the folding of any seat ahead in order to exit shall be removed or bolted down. Seats shall be upholstered with spring or foam rubber. Any metal bars that appear in the vehicles shall be padded to prevent child impact.

There shall be an operable heater capable of maintaining a temperature of 50° Fahrenheit.

There shall be emergency equipment, including a spare tire, jack and at least three (3) triangular portable red reflector warning devices.

There shall be a fire extinguisher, fully charged, with a minimum underwriters' rating of B-2, C-2 (or 1/2B.C.), located at the front and to the right of the driver and placed so that it does not constitute an obstruction or hazard to the persons in the vehicle.

There shall be a clearly marked first-aid kit containing the following items as a minimum:

- 6 - single unit sterile pads 3x3 inches
- 2 - 1 inch x 10 yds. bandages
- 12 - plastic strip bandages
- 1 - triangular bandage
- 1 - 1 inch x 2 1/2 yds. adhesive
- 2 - paper cups
- 1 - scissors
- 1 - First Aid guide booklet

Snow tires or chains shall be used as required by the State Division of Motor Vehicles.

All stanchions and guardrails in van-type vehicles and buses shall be padded to minimize injury producing impact forces.

724. Safety Requirements for Equipment

§10:122-6.6 Program Equipment.

Equipment, materials and furnishings shall be of sturdy and safe construction, easy to clean and free of hazards that may be injurious to young children.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

§10:122-3.4 Emergency Plan, First Aid and Equipment.

A written plan specifying the procedures and manner in which emergencies, evacuations and injuries are handled shall be posted in a location of prominence within the center. All staff members shall review the plan periodically. The plan shall contain at least the following:

the location of the first aid kit and any additional first aid supplies;

the name, address and telephone number of the physician retained by the center or health facility used in emergency situations;

the procedure for obtaining emergency transportation;

the hospital and/or clinic to which injured or ill children will be taken;

the telephone numbers of the local police, fire department and ambulance service; /

location of written authorization from parent(s) for emergency medical care for each child; and

a description of how the center is to be evacuated in case of emergency.

727. First Aid Supplies

§10:122-3.4 Emergency Plan, First Aid and Equipment.

A staff member who has current certified basic knowledge of first aid principles as defined by a recognized health organization (such as the American Red Cross) shall be in the center during periods of operation.

First aid equipment shall be located in a convenient, accessible location in the center and shall include:

a standard first aid kit recommended by the American Red Cross or the local or state health department; and

the Red Cross First Aid Manual or its equivalent.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§10:122-6.3 Food and Nutrition.

In meeting the requirements below, the center may provide the food for consumption by the children by cooking on-site or by catering or by a parent providing the food from home or through a combination of the above.

Breakfast, lunch and/or dinner shall be made available to all children who are present at the center during the normal mealtime hours.

Children under care for three (3) to five (5) consecutive hours shall receive a nutritious snack.

Children under care for five (5) to eight (8) consecutive hours shall receive at least one (1) nutritious meal and at least one (1) nutritious snack; if a substantial proportion of children arrive at the center after the normal breakfast hour and have not eaten breakfast, the center should serve a mid-morning snack no later than 10:00 a.m.

Food provided for meals and snacks shall be selected, stored, prepared, and served in a sanitary manner.

If a child brings a breakfast, lunch or dinner from home, the center shall provide suitable storage facilities.

The meal shall provide a sufficient amount and variety of nutritious food to satisfy the child; children shall be served small sized portions and permitted to have additional serving(s) as needed.

Breakfast shall consist of:

milk as a beverage or on cereal or as a beverage and on cereal;

a serving of fruit juice or vegetable or full-strength fruit or vegetable juice; and

a serving of enriched or whole grain bread, a serving of a bread product made of enriched or whole grain meal or flour, or a serving of enriched or whole grain cereal.

Lunch and/or Dinner shall consist of:

milk as a beverage;

meat, poultry, fish or a protein alternative;

fruits and vegetables; and

bread or bread product.

The center shall make available, as necessary, an alternate choice of food for each meal served in order to accommodate the needs of:

Children on special diets (e.g., due to health reasons, religious belief or parental request); and/or

Children who might find the meal offered to be unappetizing that day.

Snacks that have a high sugar content, such as candy and soda, should be avoided, as well as juice drinks that are distinguished from juice that is full strength.

812. Waiver of Requirements

§10:122-6.3 Food and Nutrition.

Individualized diets and feeding schedules that are submitted to the center by the child's parent(s) or physician shall be posted and followed. The center shall not be obligated to provide the food for a child on an individualized diet. However, such food, when supplied by the parent(s) shall be properly stored and served to the child at the center, in keeping with the requirements spelled out above.

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§10:122-5.2 General Life/Safety Requirements.

Centers required to have kitchen and food preparation areas shall meet the following requirements:

Food shall be prepared in a kitchen with proper equipment and clean-up facilities.

The kitchen and food preparation area shall be separate from other areas by a door, gate, screen or other barrier. The kitchen shall not be used by the children during preparation of the food for the center.

The kitchen may be used for children's program cooking activities when supervised.

Food requiring refrigeration shall be stored in a refrigerator at not more than 45°F.

When single service utensils are used, they shall be stored and handled in a sanitary manner and shall be discarded after a single use.

The cooking and kitchen facilities and equipment shall be kept clean and sanitary and be in compliance with provisions of the New Jersey State Department of Health, State Sanitary Code, Chapter 12, Construction, Operation and Maintenance of Retail Food Establishments.

§10:122-6.3 Food and Nutrition.

Furniture appropriate to the maturity of the child shall be provided at mealtime, including:

feeding chairs that have a wide sturdy base and safety straps. Children shall be placed in feeding chairs only for meals; and

low chairs and tables that provide adequate space to insure a comfortable seating arrangement for each child.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

§10:122-6.9 Parent Participation.

At the time of enrollment and thereafter as the need arises or at the request of the parent(s), the director or staff member shall discuss with each parent the child's habits, activities and schedules while at home and at the center and any special concerns about the child's behavior and development.

The center shall bring special problems concerning a child to the parent's attention as soon as possible.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

§10:122-6.7 Diapering and Toilet Training.

For centers enrolling children not yet toilet trained, the following requirements shall be met:

Toilet training shall be undertaken only in accordance with a plan requested by and acceptable to the parent(s).

The center shall not force toilet training on any child.

The center shall provide an adequate supply of child-size (potty) toilet training chairs or children's toilet seats.

Toilet training chairs shall be emptied after each use and sanitized.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

§10:122-6.5 Activities.

The program and activities for special needs children shall be organized according to each child's potential for development. The program shall provide opportunities and utilize equipment and supplies in a setting that meets the diagnostic needs of each child.

1220. HEALTH AND SAFETY REQUIREMENTS

See also 611. Program of Activities and 613. Nap Provision

§10:122-5.2 General Life/Safety Requirements.

The following special requirements shall be met by centers serving non-ambulatory children:

A sufficient number of doors, corridors, ramps or walkways and landings shall be provided and be wide enough to permit their being used by children utilizing wheelchairs, braces, walkers or any other prosthetic equipment or devices.

Ramps shall have a grade not greater than the equivalent of one (1) foot rise for every twelve (12) feet of length. Handrails shall be provided on both sides of the ramps.

Non-ambulatory children shall not be permitted above or below the ground floor in buildings of frame construction and above the third floor in buildings of noncombustible construction.

Special Needs Programs**Ambulatory Children**

There shall be a majority of the bathroom facilities located on the same floor as the playroom(s). Any additional bathroom facilities shall be located on the same floor as the playroom(s) or within one (1) floor above or below the floor level used by the children.

Non-Ambulatory Children

All of the bathroom facilities shall be located on the same floor as the playroom(s).

The width and height of toilets and wash basins shall be appropriate to meet the needs of the children served.

Grab bars shall be provided in toilet and bathroom areas, as necessary and appropriate.

1230. STAFFING

Special Needs Programs

ambulatory	5 children	1 staff member
non-ambulatory	3 children	1 staff member

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE§10:122-6.2 Enrollment and Space.

Every child care center shall provide sufficient space to allow for the implementation of the center's program. The center shall include:

a sufficient number of play rooms and/or areas to accommodate the various program activities and sleeping needs of the children served;

an isolation room/area to accommodate children too ill to remain in the group;

sufficient space for the children's recreational/physical activities;

sufficient bathroom facilities to accommodate the needs of the children served; and

a kitchen and/or food preparation/processing area, if the center is preparing and/or serving food.

The minimum net square footage shall be determined by excluding the space used in hallways, bathrooms, lockers, offices, storage rooms, the isolation area, staff rooms, furnace rooms, kitchen areas and any other areas which children do not use for sleep or play.

Pre-School and Drop-In Programs

A minimum of thirty (30) square feet of net indoor floor space per child served shall be required for play rooms.

Special Needs Programs

A minimum of forty (40) square feet of net indoor floor space per child served shall be required for play rooms.

The Bureau shall require more indoor floor space than indicated in the above-noted provisions for children with special needs if such space is needed to meet the needs of non-ambulatory children and/or children using wheelchairs or orthopedic aids and devices.

There shall be a small isolation room in a separate section of the center or a small isolation area in a section of a room in the center where children too ill to remain in the group may be cared for until they can be taken home or suitably cared for elsewhere. This area shall be furnished with sleeping equipment and clean bedding. All items used by the ill child, including sleeping equipment, bedding, utensils and toys, shall not be used by any other person until they have been properly cleaned and sanitized.

In programs where children are in attendance for three (3) or more consecutive hours, the center shall provide a minimum of seventy-five (75) square feet of net outdoor space per child utilizing the area. The outdoor area shall be adjacent to or within close proximity of the center and available for use by the children. Outdoor areas located near or adjacent to hazardous areas determined by the Bureau to be unsafe (such as, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high voltage boosters or propane gas tanks) shall be fenced or otherwise protected by a natural or man made barrier or enclosure.

If a center can demonstrate to the satisfaction of the Bureau that it cannot meet the outdoor space requirements, the center shall provide, in addition to space for playrooms, a minimum of seventy-five (75) square feet of net indoor space per child utilizing the area. The indoor space may be either on the site of the center or at another nearby indoor facility, such as a gymnasium, exercise room or other recreational facility.

§10:122-6.6 Program Equipment.

Low open shelves shall be provided for storage of play materials. Supplies stored on high open shelves shall have a protective barrier around them.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§10:122-5.2 General Life/Safety Requirements.

Natural or artificial light shall be provided in all child care areas. There shall be at least twenty (20) foot candles of light (artificial or natural) in these areas. This illumination shall be measured three (3) feet above the floor at the furthest point from the light source.

Parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by occupants at night shall be illuminated.

1430. EXITS

§10:122-5.2 General Life/Safety Requirements.

Exits shall be maintained in proper operating condition and the center shall insure that:... there are two (2) independent unobstructed exits from every floor of a building which allows exiting from the building or room in two (2) separate directions.

1440. TOILETS AND LAVATORIES

§10:122-5.2 General Life/Safety Requirements.

There shall be sufficient bathrooms (toilet and wash basins) to accommodate the bathroom needs of the children. The minimum number of toilets and wash basins required shall be in accordance with the following table:

# of Children	# of Toilets	# of Wash Basins	Maximum Effective Ratio
6-15	1	1	1/15
16-35	2	2	1/17.5
36-60	3	3	1/20
61-80	4	4	1/20
81-100	5	5	1/20
101-125	6	6	1/25
126-150	7	7	1/25
151-175	8	8	1/25
176-200	9	9	1/25
200+			1/25

Urinals may be counted in determining the center's toilets and wash basins per children ratio, provided that:

a minimum of two (2) toilets shall be available at the center before a urinal may be counted towards the bathroom facility requirements;

only child size urinals or adult size urinals that are accessible to the children being served may be utilized.

Platforms shall be available for use by the children when adult size toilets and wash basins are used.

Bathrooms shall be sanitized on a regular basis.

Bathroom facilities shall be easily accessible to the children.

Pre-School, Drop-in and Night Care Programs

There shall be a minimum of one (1) toilet and one (1) wash basin located on the same floor as the playroom(s).

Any additional bathroom facilities shall be located on the same floor as the playroom(s) or within one (1) floor above or below the floor level used by the children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

\$10:122-5.1 Local Government Code Enforcement Approval.

Any child care center in existence and operation as such before or on January 1, 1977 (the date the State Uniform Construction Code went into effect) shall

submit to the Bureau, upon the first application for renewal of its license after January 1, 1977, a copy of the building's certificate of continued occupancy issued by the municipality in which it is located, stating the center is approved to operate as a child care center, in accordance with local government code requirements in effect prior to implementation of the UCC on January 1, 1977.

1520. FIRESee 1510. ZONING1530. BUILDINGSee 1510. ZONING1540. HEALTHSee 1510. ZONING1550. SANITATIONSee 1510. ZONING1560. NEW CONSTRUCTIONSee 1510. ZONING

Except where otherwise noted, all citations are to the New Mexico Health and Social Services Department, Licensing Rules Regulations, and Standards for Child Care Facilities, December, 1976.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Section I Licensing Procedures - Definition of Terms for Purpose of These Regulations.

"Day Child Care Center," shall mean a day child care center, play school, nursery, nursery school, child center, kindergarten, or by whatever name known, which is a place providing facilities and services for day time care of five (5) or more (Excluding Foster Homes) children during less than a twenty-four (24) hour period of any day, generally between 7:00 A.M. and 7:00 P.M.

"Night Child Care Center," shall mean a night child care center or night nursery, or by whatever name known, which is a place providing facilities and services for night time care of five (5) or more children during less than a twenty-four (24) hour period of any day, generally between 7:00 P.M. and 7:00 A.M.

112. Exclusions and Exemptions

These regulations shall not apply to the following:

Facilities offering day care services for fewer than five (5) children, such care is covered by another set of regulations which are available from the Licensing Authority.

Facilities operated by the Federal Government.

Centers operated in a public school and governed by the local District School Board.

Private schools operated primarily for educational purposes for children who have reached compulsory school age (age 6 years).

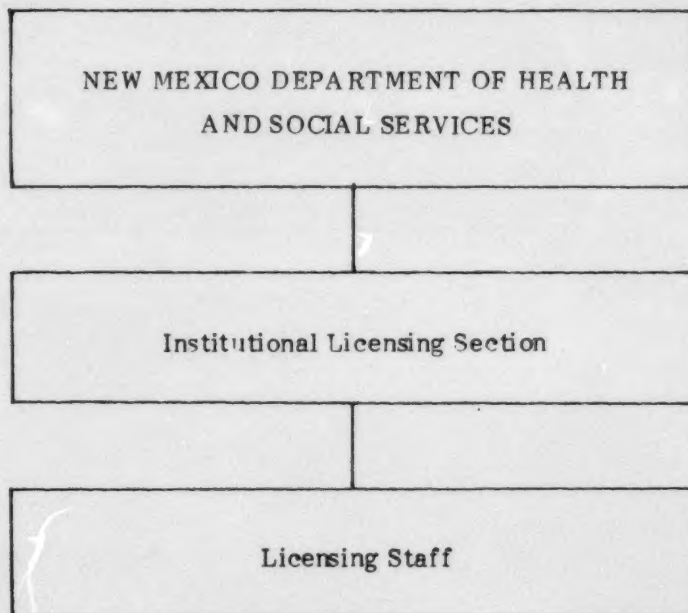
Nurseries provided in houses of worship exclusively for children of parents who are simultaneously attending worship in the same building or an adjacent church building and Summer Religious Schools held in church buildings.

Summer day camps operated for recreational purposes.

"Indian Lands." No child care center established on Indian Tribal Reservation or Pueblo Land, and operated by an Indian or by an Organization, the majority of whose members or shareholders are Indian shall be required by the State of New Mexico to seek or obtain a license, except that such facility shall be licensed so long as the facilities and services required by these regulations are being provided and upon demonstration that the State and the Tribe or Pueblo have arranged for licensure of the facility.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

Licenses are issued and revoked at the state/central office level, and the day to day monitoring functions are carried out by licensors working under the direct supervision of the state/central office. Licensors carry generic human services licensing responsibility for all types of facilities ranging from preschool to geriatric care. Prior to issuance of a license, the facility must receive program approval from the New Mexico Department of Education.

122. Responsible Official

All inquiries should be addressed to:

Supervisor, Institutional Licensing Section
New Mexico Department of Health and Social Services
P.O. Box 2348
Santa Fe, New Mexico 87503
(505) 827-3201

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

12-34-3 Powers and authority of department--The department has the authority to:

Maintain and enforce regulations for the licensure of health facilities.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Section I Licensing Procedures - Licensure:

Application for License to operate a child care center shall be made in writing upon a form prescribed by the Licensing Authority and shall specify:

The specific name of the facility, such name to be distinctly different from similar centers in the same general geographic area or county;

The mailing address and location of the facility;

The telephone number of the facility;

A list of direct and indirect owners of the facility; whether an individual, partnership or corporation, and if a corporation, the list shall include all officers;

The type of license desired;

Desired capacity;

Name and title of the person making application;

Date of application; and

Other pertinent information as may be necessary.

All initial applications for license must give character references.

A separate application must be submitted for each child care center, or other health facility, if the owner operates more than one facility.

Upon receipt of the application for license and determination that the applicant meets requirements for such license, the Licensing Authority shall promptly issue said license.

Section III Licensing Procedures - General Construction.

When requesting an initial license, the operator must submit a floor plan of the facility to be licensed, such floor plan shall show:

Use and size of each room.

Location, swing and size of all doors including type of door construction.

Location, size, height above floor of all windows and whether windows are openable.

Type of construction of building, interior walls, ceiling and floor partitions.

Location and type of construction surrounding heating unit and hot water heater area.

Location of toilets and sinks.

Specify if facility is air-conditioned.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Section I Licensing Procedures - Expiration and Renewal of Licenses.

A license, unless otherwise specified or revoked, shall be renewable annually.

Applications for renewal shall be submitted at least thirty (30) days prior to the expiration of the current license.

225. Conditional/Provisional Licenses

Section I Licensing Procedures - Licensure.

The Licensing Authority may issue a Temporary License in any case in which it finds partial compliance with these Regulations. The Temporary License shall cover a period of time, not to exceed 120 days, during which the facility must correct the specified deficiencies. No more than two (2) consecutive Temporary Licenses may be issued.

226. Substantial Compliance

Section I Licensing Procedures - Licensure.

Conditions or waivers of licensing requirements attached to, or made, in connection with such license shall be indicated in writing and shall be reviewed with annual renewal application.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Section I Licensing Procedures - Facility Surveys.

Surveys are meant to be constructive and informative to the operator, to insure the best of care for the children and to identify any area which could be of danger or harmful to the health, safety, or welfare of the children, operator and staff.

All areas of the facility, exclusive of private living quarters used by the operator or family shall be subject to reasonable visitation or survey, during operating hours, by the Licensing Authority of the Health and Social Services Department.

Each facility shall be surveyed at least annually by an authorized representative of the Health and Social Services Department.

Upon completion of a survey, the survey findings will be discussed with the operator. The operator will be provided with an official report of the survey. The operator must submit a letter stating how deficiencies will be corrected and the estimated date of completion. In most cases, corrections should be completed within thirty (30) days.

232. Denial, Suspension, Revocation of a License

Section I Licensing Procedures - Suspension or Revocation of License.

A license may be revoked, after notice and an opportunity for a hearing, for any of the following reasons:

Cruelty to a child or indifference to a child's health, safety, or welfare;

Violation of any provision of the applicable licensing regulations and standards;

Drunkenness, addiction to narcotics, disorderly conduct or the conviction under any law involving moral turpitude on the part of the owner, manager, person in charge or employees engaged in the operations and functions of the facility.

A license may be denied, effective with notice and the provision of an opportunity for a hearing, for any of the following reasons:

Non-compliance with any provisions of the applicable licensing regulations and standards;

Drunkenness, addiction to narcotics, disorderly conduct or the conviction under any law involving moral turpitude on the part of the owner, manager, person in charge or employees engaged in the operations and functions of the facility.

In accordance with the New Mexico Public Health Act, 12-34-5 (f), where life endangering conditions are found to exist in a facility, the Chief Medical Officer of the Department may suspend a license pending hearing, provided such hearing is held within five (5) working days of said suspension unless waived by operator to whom the license is issued.

Notice of Agency Action:

The agency licensing authority shall provide the applicant/licensee with a written notice of its action whenever a decision to deny, suspend, or revoke a license has been reached by the Licensing Authority.

Notice of Licensing Authority's action shall be served personally or by certified mail, return receipt requested, directed to the licensee or applicant at his or her last known address as shown by the records of the Licensing Authority. If served personally, service shall be deemed to have been made at the time it is delivered to the licensee or applicant. The Licensing Representative making such service shall prepare and sign a statement indicating upon whom, where and when such personal service was made. If served by certified mail, service shall be deemed to have been made on the date delivered.

Notice of the Licensing Authority's action shall include a statement of intended action-whether denial, suspension, or revocation, the date the intended action shall take effect, the reasons for the intended action, the specific regulations supporting such action and an explanation of the applicant or licensee's right to appeal the action. Such explanation shall include the process of appeal, the time limits within which an appeal must be requested and the applicant's right to be represented by legal or other representative throughout the appeal process.

Revocation or suspension of a license shall take effect thirteen (13) days after service of notice, unless the licensee requests an appeal from the agency action.

233. Remedies and Sanctions233.1 Hearings

Section I Licensing Procedures - Suspension or Revocation of License.

Request for an Appeal from Agency Action:

Every applicant or licensee may request an appeal hearing within ten (10) days of receipt of notice of agency action. Such a request is sufficient if it is in writing and addressed to the Supervisor of the Licensing Authority and postmarked no later than ten (10) days after receipt of the notice of agency action; provided, however, that the agency may grant reasonable extensions of the time limits for good cause shown.

Upon receipt of a timely request for appeal, the Licensing Authority shall, within ten (10) days of the receipt of the request, schedule and provide for an evidentiary hearing to be held not more than thirty (30) days, nor less than fifteen (15) days from the date of the receipt of the request for an appeal.

A notice of hearing shall be sent each applicant or licensee upon the scheduling of such evidentiary hearing. Notice shall include the date, time and place of the evidentiary hearing and shall include a full explanation of the hearing process.

The applicant or licensee may, within five (5) days from receipt of the notice of hearing, request of the agency an expanded summary of the evidence upon which the agency action was based. Such summary shall be provided to the applicant no later than five (5) days prior to the date of the evidentiary hearing.

Evidentiary Hearing:

A hearing officer designated by the Department shall conduct each evidentiary hearing. Any person designated as hearing officer shall not have been involved with the agency action upon which he or she is designated to conduct a hearing.

The duties of the hearing officer at the evidentiary hearing shall include: coordination and conduct of the hearing, administration of oaths, or affirmations to witnesses, taking testimony, examination of witnesses ruling on the admissibility of evidence, scheduling rehearings and taking such additional actions as may be necessary so as to assure a full development of the issues and evidence involved in the agency action.

The technical rules of evidence and civil procedure shall not apply in evidentiary hearings. Oral or documentary evidence may be received, provided that hearing officer refuses to admit irrelevant, immaterial or repetitious testimony and evidence.

The applicant or licensee may present his or her case in any manner he or she desires and may present witnesses and other evidence as he or she considers necessary on the points at issue. The applicant or licensee may cross examine witnesses, challenge evidence and present rebuttal evidence. The applicant or licensee may be represented or accompanied by an authorized legal or other representative to assist with the preparation and presentation of his or her appeal.

If the applicant or licensee fails to appear for the evidentiary hearing as scheduled, without prior notification to the agency, he or she shall be presumed to have abandoned the appeal. The hearing officer shall so notify the applicant or licensee in writing.

233.2 Decisions

Section I Licensing Procedures - Suspension or Revocation of License.

Determination:

A transcript of the evidentiary hearing shall be prepared and submitted to the hearing officer within five (5) working days of the hearing. The original transcript shall be placed in appellant's licensing file and a certified copy of the transcript shall be provided to the appellant upon final determination by the Department.

The hearing officer shall, upon receipt of the hearing transcript, prepare a hearing report based solely on the record of hearing and shall include: (i) a statement of the issues raised at the evidentiary hearing, (ii) findings of fact, (iii) conclusions, and (iv) a recommended determination. The hearing officer's report, together with the full hearing record, shall be submitted to the Executive Director for a final determination within fifteen (15) days from receipt of the transcript.

The Executive Director of the Department shall render a final determination on all appeals. Final determination shall be based on the hearing record and the hearing officer's report and shall be mailed to the applicant or licensee within fifteen (15) days of the Executive Director's receipt of the report and record.

233.3 Judicial Review

12-34-3 Powers and authority of department--The department has the authority to:

Bring action in court for the enforcement of health laws and regulations and orders issued by the department.

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Section I Licensing Procedures - Licensure.

The current license shall be posted in a conspicuous place in the facility.

Section II Administrative Requirements for Facility - Record Requirements.

Staff and Child Records:

If a central office keeps staff and child records for centers, in several locations, duplicate records shall be kept in the center where the staff is employed or the child is enrolled.

Accidents and Fire Record:

A record of serious accidents and fires must be kept in the center. A notation shall be made on the child's record of every accident requiring professional medical attention.

Reports to be Kept on File:

Each operator must maintain the following records in the center and such records shall be available for survey by the Licensing Authority:

A copy of the New Mexico State Regulations and Standards for Child Care Centers;

A current New Mexico State License to operate a Child Care Center shall be prominently posted in the center;

The latest survey report from the New Mexico Health and Social Services Licensing Authority;

Letter or verification of zoning;

A copy of the latest inspection conducted by the local fire authority;

A copy of the Fire Drill Record;

Certificate of fire retardant treatment for curtains;

Certificate of flame spread rating of carpeting;

A copy of the current applicable regulations governing food protection in food-service establishments;

A copy of the latest inspection conducted by the Local or State Food Authority shall be posted and the following records, if applicable, shall be on file:

Approval and inspection results for private water source,

Approval and inspection results for private sewage disposal system, and

Approval and inspection results for private waste disposal system.

Copies of menus of food served for the past sixty (60) days in the facility.

Section III Licensing Procedures

Section IV Personnel - Director.

Centers which have more than 36 children enrolled in attendance at any one time shall have a director.

Staff Members:

For a group of children requiring only one staff member, the operator shall keep a list on file of two readily available persons who can be called to the facility to cover for the staff member in case of an emergency, or illness. These persons' names and telephone numbers shall be posted by the telephone and their health certificates shall be on file.

Health and Medical Requirements - First Aid.

At least one staff member on duty in the center shall have a current American Red Cross Multimedia First Aid Certificate, or its equivalent and shall be responsible for administering first aid to children.

312. Telephone**Section III Licensing Procedures - Safety.**

An easily accessible telephone for summoning help in case of an emergency must be available in the facility. Pay telephones will not fulfill this requirement.

A list of emergency numbers shall be posted by each telephone. The list shall include, but is not limited to: Fire Department, Police, Ambulance, Poison Control Center and County Health Department.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance**Section II Administrative Requirements for Facility - Record Requirements.**

For the protection of the owner or operator it is strongly recommended that every center carry liability insurance.

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Section IV Personnel - General.

All Day Care Center staff, volunteers, and students shall be persons of good character who are physically, mentally, and emotionally equipped for providing good care, maintaining responsible supervision and stimulating normal emotional, intellectual, physical and social development for the children enrolled.

A person who has been convicted of any crime relating to child abuse or neglect, or to sexual abuse shall not be employed in a Center.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Section I Licensing Procedures - Policies.

Human Rights:

In accordance with the New Mexico Human Rights Act, Center Operators, Directors and Staff shall not make discriminatory distinction or refuse services to any parent or child based on consideration of race, religion, color, national origin, ancestry, sex or physical or mental handicap.

Operators should inform parents of the Center's ability, or inability, to give quality care to children having special needs because of a physical or mental handicap.

340. RECORDS REQUIREMENTS34L. Children

Section II Administrative Requirements for Facility - Record Requirements.

Staff and Child Records:

A daily attendance record of all staff and children, including "drop-ins," shall be kept in the center.

Records of children and staff who are currently enrolled or who are working in the center shall be kept up to date and readily available for survey by the Licensing Authority.

There shall be maintained on forms approved or furnished by the Licensing Authority a complete application record for each child and it shall contain at least the following:

Name of the child;

Date of birth;

Sex;

Home address and telephone number;

Name of parents or guardian;

Business address and business telephone number of parents or guardian;

A list of any allergies, or medical conditions, the child may have;

Name and telephone number of two persons to be called in case of emergency when the parents or guardian cannot be reached;

Name and telephone number of physician, or medical facility, authorized by parents or guardians to be called in case of illness or emergency;

Permission for emergency medical transportation or treatment to be used when parents cannot be reached;

Immunization record; and

Date of enrollment and dis-enrollment of child.

Immunization Requirements:

At the request of the State Health Agency, the operator must prepare a roster showing the immunization status of every child enrolled in the center.

Permission:

For the protection of the operator and for the information of the parent, there shall be written authorization for removing a child from the center to participate in extraordinary activities such as field trips, vehicle transportation, and other such activities.

342. Staff

**Section II Administrative Requirements for Facility - Record Requirements.
Staff and Child Records.**

There shall be maintained a complete record on file for each staff member which shall contain at least the following:

Name of the staff member;

Address and phone number of the staff member;

Name and phone numbers of at least two persons who can be called in case of an emergency;

Date of employment and date of termination;

Position for which employed;

Work schedule; and

Hours worked.

Health record.

343. Child Eligibility and Enrollment Requirements

Section V Services and Care of Children - Care Requirements.

Placement:

Children shall be admitted to a center only after a Child Care Facilities Admission Record, or other approved form, has been completed for each child.

The staff member responsible for the child's care shall be notified of the child's enrollment and shall be given any information which will facilitate the child's comfortable adjustment to the center.

Section II Administrative Requirements for Facility - Record Requirements.

Prior to admission, all applicants must have proof of completed immunizations or records that show the child to be in process of receiving the immunizations.

The center shall obtain immunization records from an original or a copy of an original document signed by a physician or a recognized public or private medical facility.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Section II Administrative Requirements for Facility - Record Requirements.

Records shall be made available to the particular staff person, or to the child's parents, or other person responsible and other persons authorized by law or regulation to inspect such records, but shall otherwise be maintained in a confidential manner.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Section V Services and Care of Children - Care Requirements.

Staffing.

Children, whether indoors or outside, shall not be left unattended at any time.

At all times, the Staff/Child Ratio shall be:

One (1) staff member for each group of Seven (7) children, or fraction thereof who are under Two (2) years old.

One (1) staff member for each group of fifteen (15) children or fraction thereof who are between ages Two (2) to Four (4) years.

One (1) staff member for each group of Twenty (20) children or fraction thereof who are between the ages of Four (4) to Six (6) years and over.

Staffing patterns shall be arranged in a manner which provides each child with consistent relationship with an adult and a close association with the same group of children.

The primary responsibility of staff members included in the Staff/Child ratio shall be care of the children and such staff shall not have duties which unduly distract from this responsibility.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section IV Personnel - Staff Members.

Staff members included in the Child/Staff ratio shall be at least 18 years of age.

Students:

Students under age 18 shall work directly under a qualified staff member who is present for supervision at all times.

512. Health

Section IV Personnel - Health Requirements.

The Operator and Members of the Operator's Family having contact with children, and all employees, and volunteers, must have a Health Certificate from the District Health Officer, or Licensed Physician, stating that the

person named has been examined and found free from communicable disease. Tuberculosis is a communicable disease and the Certificate must state that the person named is free from tuberculosis in a communicable stage and that a test for Tuberculosis has been administered and Chest X-Ray taken, if the Tuberculin Test was positive. A copy of these Health Certificates will be kept on file in the facility and a copy filed with the District Health Officer. The Health Certificate shall be secured annually.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Section IV Personnel - Director.

The director of a Day Care Center shall be at least 21 years of age.

522. Health

See 342. Staff

523. Education

Section IV Personnel - Director.

The director of a Center shall be required to demonstrate completion of any single group or combination of the following qualifying experiences:

A high school or high school equivalency diploma and at least three years of experience in a related educational, early childhood or day care program; or

Certificate as a Child Development Associate or other equivalent status where a Local, State, or Federal, certificate program exists.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Section IV Personnel - General.

The operator or director shall provide instruction for all staff members in emergency drill procedures and emergency medical care protocols.

In order to give direction and encouragement and to develop skills, the director of the center should make available on-going, in-service, training for the staff.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Section V Services and Care of Children - Care Requirements.

Activities:

Every center shall offer children activities and experiences which promote physical, emotional, social and intellectual growth and well being.

Activities in the center must fit each child's individual growth and developmental needs and shall foster the child's expressions of him or herself and permit the child to progress at his or her own rate.

There shall be a variety of activities so that each child has some freedom to choose activities.

Daily activities shall be planned to allow for active and quiet periods, extended blocks of time for indoor and outdoors, limited group activities, and individual activities.

Children's activities shall follow a familiar and consistent pattern, especially for activities such as meals, snacks, and rest periods.

There shall be continued cooperation and exchange among parents and center staff concerning the child's growth development.

612. Program Equipment and Materials

Section V - Services and Care of Children - Care Requirements.

Equipment:

Tables, chairs and other equipment to be used by the children shall be of a size suitable to their needs.

There shall be adequate quantity and variety of materials and equipment in activity centers to meet the developmental needs of the children served.

The arrangement and use of the materials and equipment shall be appropriate to the developmental levels of the children served; they shall be within reach of the children and stored in the same place.

613. Nap Provision

Section V Services and Care of Children - Care Requirements.

Activities:

A nap or rest period shall be available for all children who are in a center for more than 5 hours.

Individual beds, cots or mats, shall be provided for rest periods.

If mats are used, they must have washable covers and be at least 1 inch thick. The floor must be clean and warm.

During rest periods the individual beds, cots, or mats, shall be separated from one another by at least 3 feet of space, thus permitting easy and unobstructed access.

Night Care:

It is desirable that each child have a separate bed in a room used primarily for sleeping purposes.

The beds, cots or cribs provided for children shall be completely furnished with bedding, mattress protectors according to the individual needs of each child.

Staff shall be awake and immediately available to children who need attention during the night.

614. Discipline and Guidance

Section V Services and Care of Children - Care Requirements.

Discipline

Discipline, that is the rule for living together, established by a Day Care Center shall be:

Clear and understandable to the child;

Consistent;

Explained to the child before and at the time of disciplinary action;

A positive growing experience.

Disciplinary Methods shall not include:

Physical punishment (including shaking);

Techniques that are humiliating, shaming or frightening or otherwise damaging to children.

Punishment associated with food, rest, toilet training or isolation for illness.

Parents should be informed of the Center's rules for discipline and their rationale, when they enroll their children.

Parents should be informed of specific disciplinary experiences their children have encountered.

Nutrition:

Children shall not be deprived of food as punishment. No child shall be forced to eat any food.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Section II Administrative Requirements for Facility - Record Requirements.

Immunization Requirements:

Every child in a center must be immunized against Diphtheria, Pertussis, Tetanus, Polio, Measles and Rubella.

714. Sanitation

Section III Licensing Procedures - Maintenance of Buildings and Grounds.

All plumbing fixtures and piping must be kept in good repair.

All furniture and furnishings accessible to children must be kept in a clean and safely repaired condition.

Grounds must be kept in a safe, sanitary and presentable condition.

Housekeeping:

At all times the center and all its component parts shall be kept clean and sanitary.

Walls and floors shall be of such construction and material as to permit frequent, thorough cleaning.

Janitorial and housekeeping supplies shall be stored separately from food preparation areas, food storage areas, bathrooms and children's rooms, and shall be secured to prevent unsupervised access by children.

Exits, Doors and Windows:

All windows opened for ventilation purposes shall be screened. Outside doors which remain open in warm weather shall be screened.

Other openings to outside air, such as vents, shall be screened effectively or otherwise protected against insects and pests.

All screens shall have at least sixteen (16) meshes per lineal inch.

Water Supply:

An adequate supply of water which is of a safe and sanitary quality and which is suitable for domestic use shall be provided. The same shall be required of bottled water and ice supply.

When the water supply is not obtained from a public supply system, the private supply system must be inspected and approved by the New Mexico Environmental Improvement Agency or Local Regulatory Agency prior to licensure. It is the operator's responsibility to insure

that subsequent periodic testing or inspection of the private water system be made at intervals as prescribed by the Environmental Improvement Agency or local Regulatory Agency. A copy of the results from the latest water test and inspection shall be kept in the facility.

Hot and cold running water under pressure must be distributed to conveniently located taps throughout the building, including that part of the building in which food is prepared or utensils washed and in rooms where infants are given care.

Plumbing:

All plumbing shall be kept in good repair.

Sewage and Waste Disposal:

All garbage and refuse receptacles shall be durable, water and air tight, insect and rodent proof, washable, and constructed of material which will not absorb liquids; they shall be kept clean, in good repair and covered with tight fitting lids.

Section V Services and Care of Children - Care Requirements.

Activities:

Wet or soiled clothing must be changed. The center shall make provisions so that such changes are possible.

There shall be handwashing with soap before and after eating and after toileting.

Pets:

Pets may be allowed if they are in good health, present no problems of sanitation, and are of a temperament which is neither hazardous nor frightening to children.

Pets shall be handled in a manner which protects the well-being of both the children and the pet.

Pets must be free from fleas and other fur and intestinal parasites.

Pets must be inoculated as prescribed by a veterinarian.

Pets shall not be allowed in food preparation or eating areas.

Handling of Linens:

There shall be separate handling and storage of clean and soiled linens.

Clean linen shall be stored in light, clean cabinets suitable for such purpose.

Prior to re-use by another child, linens and other washable goods shall be appropriately laundered.

New linens shall be laundered before use.

Any linen which has been used by a sick child, or which has been dirtied by urine or defecations, shall be collected and laundered separate from other soiled linen.

Laundry fixtures and soiled linen storage shall not be located in food preparation areas.

Laundering appliances shall not be used during the time the children are at the center, unless they are inaccessible to the children.

Special Services:

Individual combs, toothbrushes, towels, washclothes, bedding and night clothes shall be provided for each child.

Bath tubs shall be provided in the ratio of one (1) tub per eight (8) children.

715. Daily Illness Screening

Section V - Services and Care of Children - Health and Medical Requirements.
There shall be daily observation made of each child to identify signs of illness, or significant changes in the child's behavior. Any indication of illness or other deviation from the normal health pattern of the child shall be recorded on his or her record and reported to the parents, or the person responsible for the child.

716. Care of Sick Children

Section V Services and Care of Children - Health and Medical Requirements.
If a parent has not informed the center of the reason a child has been absent for 3 or more days, the center staff must learn the reason for the absence, so that the health and welfare of the other children may be safeguarded.

Any incident such as communicable disease outbreak poisoning, or other unusual occurrence which threatens the welfare, safety or health of any child admitted to any facility licensed under these Regulations, must be reported to the Licensing Authority.

Notifiable Communicable Diseases:

Under no circumstances may Centers admit or allow the continued attendance of children who are ill, or who are known to have or who are suspected of having any notifiable communicable disease.

Confirmed or suspected cases of the following notifiable communicable diseases shall be reported to the Local County Health Department.

Report immediately:

Diphtheria

Plague

Food Poisoning

Polio

Report within 24 hours:

Animal Bites

Pertussis (Whooping Cough)

Aseptic Meningitis

Rheumatic Fever

Bacterial Meningitis

Rocky Mountain Spotted Fever

Chickenpox

Rubella

Encephalitis

Salmonella

Hepatitis

Shigella

Measles

Tuberculosis

Mumps

Typhoid Fever

After a child has had a notifiable communicable disease, he or she shall be readmitted to the center only upon approval of the attending physician, or upon consultation with an approval from the County Health Department.

Isolation:

Children who become ill during the course of the day shall be isolated from the other children, without delay, and shall be kept separated from other children and under observation of a staff member until the child leaves the center. A parent or other responsible adult shall be notified of the illness.

After having contact with an ill child, staff members shall thoroughly wash their hands before returning to the other children.

The area used by children who become ill must be thoroughly cleaned and disinfected after the child's departure.

717. Medication and Special Diet Provisions

Section V Services and Care of Children - Health and Medical Requirements.

Medications:

Drugs and medication may be given to children only upon direction by a licensed physician and written authorization by the child's parent or guardian; such direction or prescription and authorization shall be kept in the child's file.

Only medicines which can be administered without specialized judgement, or skill, may be given.

All medications shall be in the original container and shall have a recent date, the child's name, dosage, dosage intervals and the prescribing doctor's name. If a physician prescribes an "over the counter" medication, the center staff may administer such medication only after receiving written instructions from the doctor.

Medicines must be administered by a designated staff member.

At the time medication is administered, the designated staff member shall note on a record posted by the medicine cabinet, the child's name, the date, the hour, the dosage, and the name of the person administering medication. This record shall be kept in the center.

Medicines shall be kept in a locked cabinet or container and shall be completely inaccessible to children. Medicines requiring refrigeration shall be kept in a closed identifiable container in the refrigerator, and completely inaccessible to children.

When a medicine is no longer being given to the child, the medication shall be returned to the parent or guardian.

Nutrition:

Vitamin and mineral supplements and modified (special) diets shall be given only on the written orders of a physician, except in cases of emergency receiving. The physician's prescription must be kept on file and updated every six months.

For children with drinking and eating problems, meals may be divided and served in 2 parts at different times. For normal children, required foods for meals may not be withheld for snacks or for other reasons.

718. Waiver of Health Requirements

Section II Administrative Requirements for Facility - Record Requirements.

Immunization Requirements:

Any parent requesting an exemption from immunization shall follow the procedure prescribed by law.

720. SAFETY

721. General Safety Requirements

Section III Licensing Procedures - Maintenance of Buildings and Grounds.

Buildings must be maintained in good repair.

All electrical, signaling, mechanical, water supply, heating, fire protection and sewage disposal systems must be kept in a safe and functioning condition. This should include regular inspections of these systems.

Fire Prevention and Safety:

Poisons and other toxic substances, including cleaning agents, shall be completely inaccessible to children. Only lead-free paint shall be used in children's area.

Smoking shall not be permitted in any area where children are present.

Floors shall have a non-slippery surface.

Swing seats of hard materials such as wood or metal shall not be allowed.

An easily accessible telephone for summoning help in case of an emergency must be available in the facility. Pay telephones will not fulfill this requirement.

A list of emergency numbers shall be posted by each telephone. The list shall include, but is not limited to: Fire Department, Police, Ambulance, Poison Control Center and County Health Department.

722. Fire Safety Requirements

Section III Licensing Procedures.

Every center, regardless of capacity, shall be of at least one hour fire resistive construction throughout the facility unless the facility is located in a building where each child activity room has at least one exit door directly to the outside.

Trailers and mobile homes are not approvable for any part of a Child Care Center.

Heating and Ventilation:

All furnace and boiler rooms, including doors, shall be separated from other parts of the building by construction having a fire-resistive rating of at least one hour.

An ample supply of outside air to assure proper combustion shall be provided for all fuel heating devices.

Heaters shall be jacketed or otherwise protected. Floor grills shall be guarded.

No open-face gas heater or unprotected single-shell heating device shall be used for heating any room.

All gas fired equipment must be provided with a 100% safety cutoff control valve safety in the event of pilot failure.

Each building where gas is used shall have the outside gas shut-off valve conspicuously marked, and a tool, if needed, to operate the valve, must be readily available to center personnel. All personnel employed by the facility must be instructed as to location of valve and how to shut it off in case of fire or gas leakage.

Water Heaters:

Water Heaters shall be separated from other parts of the building by construction having a fire-resistive rating of at least one hour. Ample outside air to assure proper combustion of fuel burning water heaters shall be provided.

All water heaters must be equipped with a pressure relief valve, a relief drain line and provision for adequate drainage.

Water heaters shall not be located in sleeping rooms, bathrooms, or closets, opening into a sleeping room.

Lighting and Electrical Work:

In children activity areas, all lighting, whether incandescent, or fluorescent, shall be shielded with Underwriters Laboratories (U/L) approved materials.

Electrical cords and applicants must be Underwriters Laboratories (U/L) approved and shall be replaced as soon as they show appreciable wear.

Extension cords shall not be used as a general permanent wiring method. Overloading and tripping hazards shall be prohibited.

Electrical outlets within the reach of children shall be safety outlets or shall have protective covers.

Fuse and boxes shall be labeled to indicate areas of building serviced by each fuse or breaker.

Fire Prevention and Safety:

Fire extinguishers and other fire-fighting equipment must be properly maintained. Maintenance of equipment shall be staggered so that some equipment is available for use at all times.

All fire equipment shall be inspected and fire extinguishers recharged at least annually, or as specified by the manufacturer. The date of the latest recharge shall be noted on the fire extinguisher.

All staff shall be instructed in the use and location of fire extinguisher.

Drills

A Fire Drill or "Marching out of the building" shall be held at least once each month.

A record of the dates fire drills were held shall be kept in the facility.

Fire Safety:

Paints, oils, waxes, duplicating fluid and other highly flammable materials shall not be stored in children's areas.

No furnishings or decorations of any explosive or highly combustible nature shall be used in a center, except child-prepared art work and teaching materials may be attached directly to the walls and shall not exceed 20 percent of the wall area.

Waste receptacles shall be of non-combustible materials.

All newly installed carpeting used in the center shall have a flame spread rating of 75 or less. Written documentation of such rating shall be kept on file in the center.

723. Transportation**Section V Services and Care of Children - Care Requirements.**

When transportation is provided by a center, a sufficient number of adults shall be available to assure safety of the children while in the vehicle. There shall be at least one staff member, in addition to the driver, for each 15 children or major fraction thereof; provided that in every instance the driver shall be accompanied by at least one other staff member unless all children are six (6) years of age or over.

For children from the age of 3 months to 24 months, there shall be 1 staff member, in addition to the driver, for every group of 3 children or fraction thereof.

Any vehicle used for transporting children shall carry vehicle liability and medical payments insurance. The amount of coverage shall not be less than the basic limits set by the Financial Responsibility Law.

Occupancy in a vehicle shall not exceed the capacity recommended by the manufacturer. Each child shall remain seated while the vehicle is in motion.

No child may be left unattended in the vehicle.

Every vehicle used for daily transportation of children shall have a first aid kit and 5 pound dry chemical fire extinguisher.

Any vehicle with a capacity of 10 or more children shall be in compliance with the New Mexico Standards and Requirements for School Buses and New Mexico Handbook for School Bus Drivers.

724. Safety Requirements for Equipment

Section V Services and Care of Children - Care Requirements.

All materials and equipment shall be selected for safety and shall be made of materials safe for children's use.

All equipment must be maintained in good repair.

Outdoor play equipment shall be located and positioned in a way which will prevent accidents and permit freedom of action.

All stationary outdoor equipment must be securely fastened to the ground.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Section III Licensing Procedures - Lighting and Electrical Work.

Emergency lighting, such as flashlights, or battery operated lights, shall be readily available to the staff in case of an electrical failure.

727. First Aid Supplies

Section III Licensing Procedures - Health and Medical Requirements.

A first-aid kit must be provided for emergencies and shall be kept in an accessible place in the center.

The kit shall contain the following:

- 1" adhesive tape;
- 3" by 3" gauze pads;
- 2" bandage compresses;
- 4" bandage compresses;
- triangular bandage
- 2" roller bandage
- scissors and ipecac.

There shall be a copy of the Standard First Aid and Personal Safety-Red Cross Manual in the center and unless the supervising physician or local health director leaves written standing orders for first-aid care, the procedures in the Red Cross Manual shall be followed.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Section III Licensing Procedures

Children, except at night sleeping, shall not go for more than two and one-half (2 1/2) hours without being offered a meal or a snack. If offered, snacks must be finished at least one hour before meals.

The minimum amounts of food to be served at meals and snacks are as follows:

<u>Pattern</u>	<u>Children 1-3 yrs.</u>	<u>Children 3-6 yrs.</u>	<u>Children 6-12 yrs.</u>	<u>Children 12-18 yrs.</u>
<u>BREAKFAST</u>				
Milk	1/2 cup	3/4 cup	1 cup	1 cup
Fruit or full strength juice (b)	1/4 cup	1/2 cup	1/2 cup	1/2 cup
Cereal or bread (d)				
Cereal or	1/4 cup	1/3 cup	3/4 cup	3/4 cup
Bread	1/2 sl.	1/2 sl.	1 sl.	1 sl.

MID MORNING OR MID AFTERNOON SNACKS

Milk or (a)	1/3 cup	1/2 cup	1 cup	1 cup
Fruit or vegetable or full strength juice (b) or	1/4 cup	1/4 cup	1/2 cup	1/2 cup
Meat or meat alternate (c)	1/3 cup	1/3 cup	1/2 cup	1/2 cup
	1 tbsp.	1 tbsp.	2 tbsp.	2 tbsp.
<u>Pattern</u>	<u>Children 1-3 yrs.</u>	<u>Children 3-6 yrs.</u>	<u>Children 6-12 yrs.</u>	<u>Children 12-18 yrs.</u>

LUNCH AND SUPPER

Milk (a)	1/2 cup	3/4 cup	1 cup	1 cup
Meat and/or alter- nate (c)	1 oz.	1 1/2 oz.	2 oz.	2 1/2 oz.
Vegetables and/or fruit (b) 2 kinds	1/4 cup	1/2 cup	3/4 cup	3/4 cup
Bread or alter- nate (d)	1/2 sl.	1/2 sl.	1 sl.	1 sl.

Grade A fluid skimmed, 1 1/2%, 2%, buttermilk or flavored milk may be used in place of fluid whole milk.

Vitamin C vegetable or fruit must be included daily. A vitamin A fruit or vegetable must be served three days per week.

Cooked lean meat without bone. Alternates include, fish, poultry, dried beans and peas, peanut butter, eggs, or cheese.

This pattern closely resembles, but is not identical to United States Department of Agriculture Child Feeding Programs. Those programs participating under United States Department of Agriculture funding must comply with Federal and State Regulations, administered un the School Food Service Division, New Mexico Department of Education.

Meals shall consist of a variety of foods and shall be planned with consideration for the cultural and religious background of the children served. For Example: Menu, Menu Planning, Alternates, Sources of Vitamin A and C.

The foods may be served in prepared forms such as tacos, enchiladas, casseroles, puddings, and the like, provided that they meet the serving requirements.

Food shall be served in a form and quantity consistent with the developmental level of the children.

Menus, including snacks and routine modified diets, shall be planned at least one week in advance of service. The same main dishes shall not be served within a one week period, except for infants. Identical menus shall not be served on a one week cycle.

Additional food should be made available for children with additional requirements.

A copy of the current weeks' menu, including snacks and modified diets, shall be posted in the kitchen and at the entrance to the Center, where it can readily be seen. Posted menus must be followed and any substitution shall be of equivalent nutritional value and shall be recorded on the posted menu.

The weekly menu plans must be dated and kept on file for sixty (60) days, and made available to the Licensing Authority upon request.

Drinking water shall be readily available to all children from sanitary cups, or glasses, or fountains. If a child is unable to ask for water, it shall be offered frequently.

Dining areas shall be equipped with tables, chairs, eating utensils and dishes designed to meet the developmental needs of each child.

Eating times shall be adequately supervised and staffed for the direction of self-help eating procedures, and to assure that each child receives an adequate amount of food. Adults in the ratio of 1 to 12 children shall eat the meal served with the children, in order to foster positive attitudes. Children may eat in areas of main activity.

Time allowed for meals must be sufficient to enable to the children to eat at a leisurely rate according to their feeding abilities.

Parents may provide sack lunches as a substitute for the meals, if allowed by the Child Care Center. Refrigerated storage must be provided for any sack lunches.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Section III Licensing Procedures - Food Management.

The Center shall meet all requirements of State and Local regulations governing food protection in food service establishments.

Each facility shall have a copy of the current, applicable regulations governing food protection in food service establishments readily available to kitchen workers.

Written reports of all kitchen inspections by municipal, county, state, or federal employees shall be kept on file. .

Food and drinks shall be prepared and stored only in kitchens and areas approved by the Local Food Service Regulating Authority.

According to State and Local Food Service Regulations dry and evaporated milk may be reconstituted only if used for cooking purposes. Also, all drinking milk shall be only Grade A pasteurized and shall be served directly from its original container, or from a dispenser, approved by the Food Service Regulating Authority.

Each refrigerator and freezer shall have a thermometer accurate to within 20 Fahrenheit, located in the warmest part of the appliance in which food is stored. The temperature of the refrigerator shall be 450 Fahrenheit, or below. Frozen food shall be kept at such temperatures as to remain frozen. However, it is highly recommended that refrigerators be at 350 to 400 Fahrenheit, and thermometers in freezer be 0 Fahrenheit or below, because of increased shelf life and food wholesomeness.

Potentially hazardous food such as meat, milk and custard shall be kept at 450 Fahrenheit, or below. Hot food shall be kept at 1400 Fahrenheit, or above during preparation and serving.

Refrigeration units, cupboards, and other food storage areas shall be kept clean and sanitary.

Dishes and food utensils shall be properly washed and sanitized and stored according to food service regulations.

Drugs, biologicals, poisons, stimulants, detergents, and cleaning supplies, shall not be kept in the same facilities used for storage of foods. Necessary medications requiring refrigeration shall be stored in an identifiable container in the refrigerator.

All persons employed in the preparation or serving of food shall wear proper hair restraints such as caps, bands, nets, or hair spray, which prevent free movement of loose hair.

No employee may resume working after using the toilet or after use of tobacco without first washing hands with soap or detergent.

Non-kitchen persons participating in food preparation and service as part of a planned program for the children shall comply with the same policies and procedures as those required of food service employees. Children may be in the kitchen only as they participate in planned programs, and proper safety precautions must be taken in connection therewith.

There shall be no through traffic in the kitchen while food is being prepared or served.

All garbage and rubbish shall be stored in approved containers and must be covered with tight-fitting lids.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Section V Services and Care of Children - Care Requirements.

Upon admission of a child to a center, parents shall be informed of the licensing regulations and offered a copy to read.

Parents shall be allowed to observe their own child/children in the center at any time and immediately upon request.

Staff shall provide parents ample time to discuss their child's/children's adjustment to the center. Conference with parents should be made available at least twice yearly.

The center staff is responsible for informing parents about behavior which requires disciplinary measures on the day such behavior occurred. At the same time parents shall be informed of disciplinary action taken.

Centers should establish a standard procedure for parents who need assistance with problems or complaints. Parents should be informed of this procedure upon enrolling their children in the center.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Section III Licensing Procedures - Special Services.

Infant and Toddler Care:

In addition to compliance with all requirements of these Regulations for Child Care Centers, the following shall be required in infant and toddler care areas:

Infants shall not be admitted to the center until they are at least six (6) weeks of age, unless there is a signed authorization from the child's physician.

Children under Two (2) years of age shall be cared for in rooms separate from those used by older children. At appropriate times, younger children and older children may be allowed to play together.

There shall be a sleeping area and a play area. If one room is used, there shall be adequate screening or partitioning to separate the two areas.

When awake, children shall not remain unoccupied in a crib, or high chair, or play pen, for an excessive amount of time.

Each child must have individual, personal attention and contact from the staff.

Those children who are non-walking and capable of crawling, or creeping, shall have an opportunity to do so frequently during the day.

Every child shall have an opportunity for indoor and outdoor play.

There shall be equipment suitable for infant and toddler aged children. Such equipment may include: soft washable toys, mobiles, colorful pictures, music, play pens, jump chairs, and the like.

Toys must not be small enough to swallow or to allow entry into the nostrils or ears.

Each child shall have a crib with a waterproof mattress for sleeping. Cribs shall be provided with bedding.

Stacking cribs are prohibited.

High chairs shall have safety straps and be of non-tip construction.

1120. HEALTH AND SAFETY REQUIREMENTS

Section III Licensing Procedures - Special Services.

Infant and Toddler Care:

There shall be a lavatory and a toilet in the infant-toddler care area.

Toilet training equipment of "pottie chairs" shall be emptied and rinsed with water after each use and shall be kept in sanitary condition.

Staff members shall wash their hands with soap after changing a diaper and before and after feeding any child.

Linens, clothes and diapers, shall be changed when soiled.

Diapers should be changed at individual cribs. If a common diaper table or area is used, it shall be thoroughly cleaned following each use.

Dirty diapers shall be kept in closed containers.

Diapers shall be laundered separate from any other linens.

All infant linen shall be thoroughly rinsed so as to be free from any substance that might irritate infant skin.

1130. INFANT NUTRITION

Section III Licensing Procedures - Special Services.

Infant and Toddler Care:

Formula and food shall be supplied daily by the infant's family and shall be labeled with the child's name. It shall be refrigerated at a temperature of 45o Fahrenheit or below.

Formula shall not be prepared in the center except by specific approval from the Licensing Authority.

Infants shall be held during feeding. Bottles shall not be propped.

A toddler may be allowed to hold a bottle if the child shows a preference and if the child is under close observation of a staff member.

Children who are developmentally ready shall have the opportunity and shall be encouraged in self-feeding.

Provisions should be made to allow for each child's own eating and sleeping patterns.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Section III Licensing Procedures - Special Services.

Centers for Children with Special Needs such as a severe mental or physical handicap, shall:

In addition to compliance with all requirements of these Regulations for Child Care Center, the following shall be required in centers offering programs to children with special needs.

Appropriate provisions shall be made to meet the needs of the children served.

In order to meet the special needs of the children served, the building shall be adapted with special devices as needed. (Examples: Wide doors and halls, ramps, specially equipped toilet rooms).

Additional space shall be provided if the age and size of the children served, activity recommendations and the use of special equipment necessitate extra space.

Staff members working with children who have special needs shall have knowledge, training, or experience, related to the children's special needs.

1220. HEALTH AND SAFETY REQUIREMENTS

Section III Licensing Procedures - Health and Medical Requirements.

General:

For the welfare of all children involved, a child with such special needs as a severe mental, or physical handicap, may be admitted to a center only upon the written authorization of a licensed physician.

With the written consent of parent or guardian, the Licensing Authority may request an evaluation of a child's emotional status.

1230. STAFFING

Section III Licensing Procedures - Special Services.

The Staff/Child ratio in Centers for Children with Special Needs such as a severe mental or physical handicap, shall depend on the severity of needs of the children served.

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Section III Licensing Procedures - Special Services.

School Aged Care:

All requirements of facilities and services for children in Child Care Centers shall also apply to school aged children attending the Center.

If the number and ages of older children interfere with the care of younger children, a separate area and staff member shall be provided for the older children.

Activities for school aged children should supplement and shall not duplicate the child's school activities.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section V Services and Care of Children.

Activities:

Each child shall have a space for storage of wraps, extra clothing and personal belongings. This space shall be in easy reach of the child.

Special Services:

In addition to compliance with all requirements of these Regulations for Child Care Centers, the following shall be required in Night Child Care Centers:

There shall be at least 60 square feet of floor area per child in children's sleeping areas. If bunks are used there shall be 90 square feet per bunk.

Sleeping rooms shall communicate directly with other parts of the building without passage through another sleeping room; sleeping rooms shall be located so that children are within easy call of an adult at night.

There shall be an individual storage space for clothing and other personal belongings of each child receiving care.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section III Licensing Procedures - Heating and Ventilation.

Heating:

There shall be sufficient heating equipment to maintain a temperature of 68° Fahrenheit in all rooms used by children. Thermometers may be required in various rooms if needed to determine adequacy of heating equipment.

Ventilation:

The building shall be adequately ventilated at all times to provide fresh air and control of unpleasant odors by either mechanical or natural means.

Kitchens, bathrooms and toilet rooms shall be vented directly to the outside air by openable window, or non-closing vent ducts which terminate above the roof line.

All gas-burning heating and cooking equipment shall be connected to a venting system to take the products of combustion directly to the outside air.

Lighting and Electrical Work:

Each room used for children's activities shall have an ample amount of natural light.

The window area of rooms provided for children's activities or for sleeping shall be not less than one-eighth (1/8) of the floor area. In facilities which provide mechanical ventilation, in lieu of openable windows, the New Mexico Building Code and other code requirements concerning lighting, ventilation, and safety must be followed.

Areas such as hallways and entrances, must be lighted to make all parts of the area clearly visible.

Section V Services and Care of Children.

In addition to compliance with all requirements of these Regulations for Child Care Centers, the following shall be required in Night Child Care Centers:

Battery packed lighting shall be mounted on walls throughout the center to assure the availability of lighting, in case of electrical failure.

1430. EXITS

Section III Licensing Procedures - General Construction.

The building area used as a Child Care Center for children under the age of 7 years shall not be located above or below the floor of exit discharge.

There shall be at least two (2) means of egress, remote from one another, from each major unit of the Child Care Center.

Exit doors shall be clearly identified, easily openable, and clear of obstruction at all times.

In areas used by children, all exit doors and doors in the line of egress shall be openable from the inside without the use of a key or any special knowledge or effort.

All means of egress from the building, including hallways and ramps, shall be free from obstructions at all times.

In centers with a capacity of 21 or more, exit doors shall swing in the direction of exit travel. This is recommended for all centers.

All exit doors in a building with a capacity of 21 or more shall be marked with approved exit indicators. Signs are required in centers with a capacity of less than 21, when the location of exits is not familiar and obvious to children and staff.

All exit doors in a building with a capacity of 100 or more shall be marked with exit lights; such lights shall be illuminated at all times.

Section V Services and Care of Children.

In addition to compliance with all requirements of these Regulations for Child Care Centers, the following shall be required in Night Child Care Centers:

Each room provided as a child's sleeping room shall have a window, or exterior door, for emergency exits.

1440. TOILETS AND LAVATORIES

Section III Licensing Procedures.

Conveniently located toilet facilities shall be provided. If lavatories and toilets are not child size, safely installed platforms or steps must be provided.

Toilets and lavatories shall be provided in the following ratios for children 2 years of age and older:

1 toilet and 1 lavatory for 1 to 10 children;

2 toilets and 2 lavatories for 11 to 25 children; and

1 additional toilet and lavatory for every additional group of 1 to 15 children.

Locks on doors to toilets used by children shall be of such type that the lock or latch can be released from the outside.

Toilet rooms shall be provided with toilet tissue at all times.

Soap and sanitary towels shall be provided in handwashing facilities. The use of a common towel is prohibited.

Handwashing facilities for children shall include hot and cold running water. Hot water temperatures in handwashing facilities used by children shall not exceed 110° Fahrenheit.

In centers which have thirty (30) or more children, toilet and handwashing facilities for employees shall be separate from those provided for children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Section I Licensing Procedures - Location of Facility.

Child Care Centers must be located on property which complies with local zoning ordinance requirements. Written proof of compliance must be submitted with an original application for licensure and will become part of the permanent file of the facility.

1520. FIRE

Section I Licensing Procedures - Location of Facility.

A center must be in compliance with current, applicable State and Local codes, including fire, building, plumbing and electrical codes. If any codes are conflicting, the more stringent code shall apply.

Written documentation from the Local Fire, Building Authority stating compliance with applicable codes shall be submitted to the Licensing Authority prior to issuance of a State License.

All current applicable requirements of State and Local Codes for fire prevention and safety must be met by the facility. If any two or more codes conflict the most stringent code shall apply.

Written documentation from the State Fire Marshal's Office, or Local Fire Prevention Authority, evidencing a Center's compliance with applicable fire prevention codes shall be submitted to the Licensing Authority prior to issuance of a permanent State License.

A copy of the latest fire inspection report shall be kept on file in the center.

There shall be a fire alarm in all centers. The alarm shall be approved by the State Fire Marshal, or the Local Fire Prevention Authority.

Fire extinguishers, as approved by the State Fire Marshal, or Local Fire Prevention Authority, shall be located in the building.

1530. BUILDING

Section III Licensing Procedures - Heating and Ventilation.

Heating, air conditioning, piping, boilers and ventilation, shall be furnished, installed and maintained to meet all requirements of State and Local mechanical, electrical, and general construction codes.

Lighting and Electrical Work:

Electrical installations and electrical equipment must comply with all State and Local Electrical Codes.

In accordance with the New Mexico Electrical Code, Section 415, all major electrical repairs and all installations must be performed by a firm or individual who is licensed and bonded by the State of New Mexico to do such work.

1540. HEALTH**Section III Licensing Procedures - Food Management.**

The Center shall meet all requirements of State and Local regulations governing food protection in food service establishments.

Each facility shall have a copy of the current, applicable regulations governing food protection in food service establishments readily available to kitchen workers.

Written reports of all kitchen inspections by municipal, county, state, or federal employees shall be kept on file.

Food and drinks shall be prepared and stored only in kitchens and areas approved by the Local Food Service Regulating Authority.

According to State and Local Food Service Regulations dry and evaporated milk may be reconstituted only if used for cooking purposes. Also, all drinking milk shall be only Grade A pasteurized and shall be served directly from its original container, or from a dispenser, approved by the Food Service Regulating Authority.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Section III Licensing Procedures - General Construction.

When construction of building, or additions or alterations to existing buildings are contemplated, the plans and specifications covering all portions of the work shall be submitted to the Licensing Authority for approval with respect to compliance with these Regulations prior to beginning actual construction. When an addition or alteration is contemplated, plans for the entire facility must be submitted. The Department shall reply within 30 days. Changes costing more than \$500.00 will also be submitted to Construction Industries.

Heating and Ventilation:

If modification or new installations of heating and ventilation systems are necessary the operator must submit a plan for such work to the Licensing Authority for review; this is in addition to approval by the Construction Industries Board. The modifications or installations must be performed by a firm or individual licensed or bonded by the State of New Mexico to do such work.

Water Supply:

Prior to installation, major modification, or extension of a water supply system, plans and specifications must be submitted to the Licensing Authority for review; this is in addition to approval by the Authority having jurisdiction.

Plumbing:

All plumbing shall be kept in good repair.

Major repair and all installation or extension of plumbing must be done by a firm or individual licensed and bonded by the State of New Mexico to perform such work.

Sewage and Waste Disposal:

When a municipal sewage system is not used the private system used must be inspected and approved by the New Mexico Environment Improvement Agency, or Local Regulatory Agency.

No System of sewage disposal shall be installed, extended, or altered, until complete plans and specifications, for the installation, expansion, or alteration, have been submitted to the Licensing Authority for review and to the New Mexico Environmental Improvement Agency, or Local Regulatory Agency, or approval.

Where municipal or community garbage collection and disposal services are not available, the method of collection and disposal employed by the facility must be inspected and approved by the Environmental Improvement Agency, or the Local Regulatory Agency.

Except where otherwise noted, all citations are from the New York Department of Social Services, Day Care Center Licensing Regulations, March, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

418.1 Definitions.

Day care of children shall mean care provided for three or more children away from their own homes in a day care center. Such care shall be for more than three hours and less than 24 hours per day per child to any child accepted for care.

Day care center (facility) shall mean a place, person, association, corporation, institution, or agency which provides day care as defined (above) and in which parents, guardians, or others responsible for care place children. The name, description, or form of the entity which operates a day care center shall not affect its status as a day care center.

112. Exclusions and Exemptions

418.1 Definitions.

The term day care center shall not refer to care provided in:

A day camp as defined in the State Sanitary Code.

An after school program operated for the primary purpose of religious education.

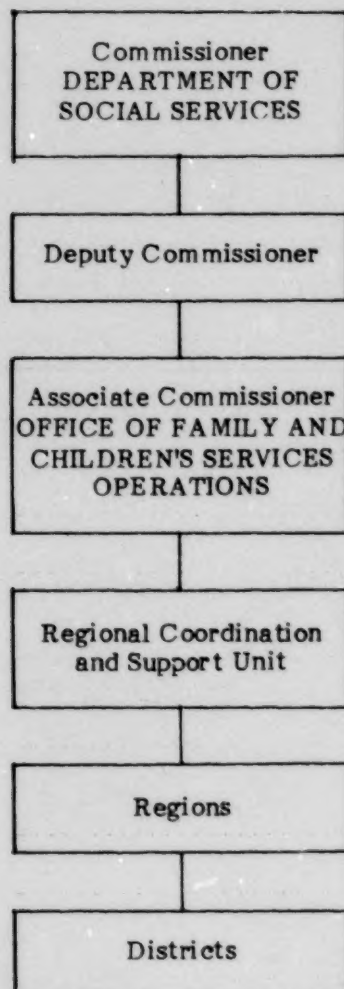
A facility operated by a public school district, or providing day services under an operating certificate issued by the Department of Social Services, or providing day services under an operating certificate issued by the Department of Mental Hygiene.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



The day to day monitoring functions for day care facilities are handled by regional staff housed in three regions under the direct supervision of the state central office staff. The issuance and revocation of licenses is handled by regional office staff. The state has delegated the issuance and monitoring functions for publicly funded family day care homes to its 58 districts.

122. Responsible Official

All inquiries should be addressed to:

Office of Family and Children's Services
Operations
Department of Social Services
40 North Pearl Street
Albany, New York 12243
(800) 342-3715

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

NEW YORK STATE STATE ADMINISTRATIVE PROCEDURE ACT §202. Rule making procedure.

Prior to the adoption, amendment, suspension or repeal of any rule as to which a hearing is required by any statute, an agency shall give notice, or cause such notice to be given, and hold a public hearing as follows:

The agency shall, within the time specified by any statute; or, if no time is specified then at least thirty days prior to the public hearing, (1) publish, or cause to be published, notice of such hearing in the state register and in such manner as may be required by statute, and, when appropriate in the judgement of the agency, in such newspaper or

newspapers of general circulation or, in such trade, industry or professional publications as the agency may select, and (2) notify, or cause to be notified, any person specified by any statute, and in addition, any person or agency filing written request, such request to be renewed yearly in December, for notice of hearings which may affect that person or agency, notification being by mail or otherwise in writing to the last address specified by the person or agency. The agency may, unless otherwise provided by statute, charge for such notice, a fee, which shall consist of the cost of preparation, handling and postage for the notice.

Public hearings in rule making proceedings held pursuant to this section shall comply with any requirements imposed by any statute but subject to the provisions of this chapter governing adjudicatory proceedings.

§203. Filing; effective date.

No rule shall become effective until it is filed with the secretary of state, unless a later date is required by statute or is specified in the rule. Each rule submitted for filing shall have attached thereto the certificate required under subdivision two of section one hundred two of the executive law.

212. Advisory Body and Other Community Participation
Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

418.2 Administration.

No place, person, association, corporation, institution or agency shall provide day care in a center for three or more children without a permit. Such care shall be in accordance with the terms of such permit and in compliance with all applicable Regulations of the Department.

418.3 Application for Permit (license).

All applications for a permit (license) to operate a day care center shall be made to the Department in the manner prescribed in this Part and on forms furnished by the Department.

Upon request, the Department shall furnish application forms and a list of required supporting documentation necessary to complete an application for a permit.

Applicants for a permit to operate a day care center shall submit the documentation listed below within 90 days of the filing of an application with the Department. Failure to comply with these requirements shall be considered a withdrawal from the application process.

A description of a health plan in accordance with Department Regulations. Such plan shall include provision for emergency health services. Completed current medical examination forms for staff and children are to be kept on file in the center.

A description, if applicable, of special provisions for children who are either under 3 years of age or are school-age children.

A description of the program, including a description of the developmental activities offered to meet the need of the children, hours of operation, schedules of an average day for each group of children.

Copies of menus for snacks and meals reviewed and signed by a person qualified in nutrition. If meals are not prepared within the center, a description of food service arrangements shall be provided.

Copies of evacuation plans and fire drills, including alternate means of egress, shall be provided.

Description of the pattern of supervision of staff by the director or responsible person, schedule and content of inservice training and of use of outside training resources (workshops, conferences, college courses).

When the day care center is owned by an individual or partnership using a business name, a copy of certificate of doing business under an assumed name (obtained from the County Clerk) shall be required.

Additional documents, when a day care center is incorporated, shall be submitted, including:

- A copy of the certificate of incorporation;

- Verification of filing with the Secretary of State.

- A sample copy of all forms used in day care centers, including application forms for admission of children including background information, attendance forms, agreements with parents for permission for emergency medical treatment, for field trips, for fees or payments, regarding the responsibility for child enroute to and from center, and a list of the names of persons to whom the child may be released.

A diagrammatic floor plan of the entire day care center building. The diagram shall be labeled with the planned occupancy or use of all areas including room dimensions, exits, and plumbing fixtures such as toilets, sinks and drinking fountains. A day care center may not expand its services or increase its capacity unless it has received prior approval of the Department and has complied with all applicable Department Regulations.

418.5 Issuance conditions, duration and revocation of permits (licenses).

A permit shall be issued to a day care center only when it has been determined after on-site inspections and a review of the completed application and supporting documentation that the center is in substantial compliance with Department Regulations.

A permit shall be valid for a period of up to two years from date of issuance and only for the premises occupied and may be revoked at any time for noncompliance with regulations of the Department or for other just cause.

The permit shall be prominently displayed in the day care center.

A permit shall not be issued to any applicant who provides boarding home care for children and/or adults in the premises proposed to be utilized as a day care center.

The maximum number of children who may be in the care of the center at any one time shall be the number of children specified on the permit.

Department staff shall visit each day care center at least once during the period of the duration of the license to determine continuing compliance with the Regulations contained in this Part.

222. Fee Charged

418.5 Issuance Conditions, Duration and Revocation of Permits (licenses).

There shall be no fee for the issuance of a permit.

223. Areas of Investigation

418.3 Application for Permit (license).

An investigation to determine the applicant's compliance with Department requirements shall be conducted by the Department and shall be completed within 75 days of the receipt of the completed application and all required supporting documentation.

See also 221. Application and Issuance

224. License Renewal

418.5 Issuance Conditions, Duration and Revocation of Permits (licenses).

A new application for a permit shall be submitted to the Department when:

there is a change in the name, address, or operator of the day care center, or;

the Department has denied, revoked, or refused to renew a permit, or; reinstatement of a withdrawn permit or application is sought.

418.6 Renewal of Permit (license).

Sixty days prior to the expiration of a permit, the Department will send to the center an application to renew the permit and a list of documentation which must be submitted in order to obtain renewal. These documents are to be filed with the Department not later than thirty days in advance of the expiration date.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

418.20 Responsibilities and Department Enforcement.

Enforcement. The Department shall have the authority to enforce these Regulations. If a particular center is in substantial compliance with these Regulations but not in literal compliance, such substantial compliance shall be approved if:

The health, safety, and welfare of the children are in no way jeopardized or endangered;

The general purpose and intent of the regulations is being observed; and

Literal compliance would work an undue hardship.

The Department shall maintain a record of any such Regulations not being literally complied with and the reason such noncompliance is being allowed.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

418.20 Responsibilities and Department Enforcement.

The Department is responsible for insuring that holders of permits operate in compliance with Department Regulations. The Department shall visit and inspect centers to ascertain compliance with the Regulations of the Department including, but not limited to, those related to the protection and care (including health, safety, treatment and training) of children in such centers. Duly authorized representatives may visit a day care center at any time during the hours of operation for purposes of investigation or inspection and may call upon governmental subdivisions and governmental agencies for appropriate assistance within their authorized fields.

Current up-to-date records of visits and findings relative to the issuance, denial, revocation, suspension or limitation of permits, including documentation submitted by applicants or holders of permits, shall be maintained by the Department.

232. Denial, Suspension, Revocation of a License

418.20 Responsibilities and Department Enforcement.

A permit of a day care center may be revoked or renewal of a permit may be denied by the Department when the day care center fails to operate in compliance with or do any other act required by Department Regulation.

418.3 Application for Permit (license).

If an application is denied, the Department shall give written notice of the denial to the applicant informing him of the reasons therefore and of the applicant's right to request a hearing before a hearing officer designated by the Department.

Upon denial of initial application for a permit, the applicant is entitled to a hearing before the Department. The applicant's request for a hearing must be made within 30 days after receipt of written notice of denial.

Before denial of renewal of a permit, or before a permit is revoked, the holder is entitled, pursuant to the Regulations of the Department, to a hearing before the Department. The holder's request for such hearing must be made within 30 days of the receipt of written notice. The revocation, denial, or refusal to renew will become final if the applicant fails to request a hearing within the 30 day period.

A permit may be temporarily suspended or limited in its terms without a hearing for a period not in excess of 30 days, upon written notification to the holder of the permit, by the Department, following a finding that any individual's health, safety or welfare is in imminent danger. In such event, the holder shall be required to request a hearing before the Department within 10 days of the written notice of the suspension or limitation of the permit. Failure to make such a request shall be prima facie evidence that the finding of imminent danger is valid and temporary suspension or limitation shall continue in effect until the condition requiring such suspension or limitation is corrected, or until the permit is permanently suspended or revoked in accordance with Department Regulations.

233. Remedies and Sanctions233.1 Hearings

418.20 Responsibilities and Department Enforcement.

When a holder of, or applicant for, a permit is entitled to a hearing before the Department such hearing shall be conducted in accordance with the following provisions:

For a hearing held to revoke, suspend or review the denial of a permit, the notice shall specify the time and place of the hearing, the proposed action and the changes which are the basis for the proposed action. The charges shall specify the statutes, rules and regulations with which the center failed to comply and shall include a brief statement of the facts pertaining to such non-compliance;

For a hearing held to review the denial of an original permit, the notice shall specify the time and place of the hearing and the charges which are the basis for the denial. The charges shall specify the statutes, rules and regulations, or other applicable requirements of law upon which the denial was based and shall include a brief statement of the facts pertaining to the denial;

The notice of hearing shall also inform the holder of a permit or the applicant for an initial permit of his:

- opportunity to present evidence and argument on issues of fact or law at the hearing;
- right to be represented by an attorney or other representative of his choice;
- right to cross examine witnesses and to examine any document or item offered into evidence;
- that all witnesses will be sworn; and
- that the hearing will be recorded verbatim.

The holder of a permit or the applicant for an initial permit may file an answer to the allegations contained in a notice of hearing. The answer shall be in writing and shall be filed with the department not less than 10 business days prior to the date of hearing.

Pleadings, Depositions and Discovery.

The pleadings in an enforcement action shall consist of the notice of hearing and answer.

Neither formal discovery procedures nor formal procedures for bills of particulars shall apply. However, upon application by the holder of a permit or the applicant for an initial permit, a more definite and detailed statement shall be furnished whenever the hearing officer finds that the statement of charges does not adequately apprise the holder of a permit or the applicant for an initial permit of such charges. Any statement furnished shall be deemed, in all respects, to be part of the original notice of hearing. The hearing officer may grant additional time to respond to the notice of hearing when a motion for a more definite and detailed statement has been granted.

Disclosure of evidence by deposition of a party to the hearing or the officer, director, member, agent or employee of a party, prior to the hearing shall not be permitted, except where the hearing officer determines that special circumstances, as set forth in Section 3101(a)(3) of the New York Civil Practice Law and Rules, require the taking of testimony by deposition.

Who may be present at hearing; authorization of representative.

The respondent holder of a permit or the applicant for an initial permit, his representative or representatives, counsel or other representatives of the department, witnesses of both parties and any person who may be called by the hearing officer may be present at the hearing, together with such other persons as may be admitted by the hearing officer in his discretion. Upon his own motion, or upon the motion of either party, the hearing officer may exclude potential witnesses and those who have given prior testimony from the hearing during the testimony of other witnesses.

An individual, other than an attorney, representing the center shall have an appropriate written authorization for representation signed by the holder of the permit or the applicant for an initial permit or by an officer, member or director of a center when the holder of the permit or the applicant for an initial permit is not a natural person.

The hearing shall be conducted by a hearing officer who is an attorney employed by the Department for that purpose, who has not been involved in any way with the question. He shall have all the powers conferred by law and Regulations of the Department to administer oaths, issue subpoenas, require the production of records and the attendance of witnesses, rule upon requests for adjournment, rule upon objections to the introduction of evidence and to otherwise regulate the hearing, preserve requirements of due process and effectuate the purpose and provisions of applicable law.

The hearing officer shall preside and shall make all procedural rulings. He shall make an opening statement describing the nature of the proceedings, the issues and the manner in which the hearing will be conducted.

The rules of evidence as applied in a court of law shall not apply, except that privileges recognized by law will be given effect. The hearing officer may exclude testimony or other evidence which is irrelevant or unduly repetitious.

All testimony shall be given under oath or affirmation.

The center shall be entitled to be represented by an attorney or other representative of its choice, to have witnesses give testimony and to otherwise present relevant and material evidence in its behalf, to cross-examine witnesses and to examine any document or item offered into evidence.

The hearing shall be recorded verbatim by either this Department or by a private contractor. Where the hearing is recorded by other than a private contractor, on request made upon the Department by any party to a hearing, the Department shall prepare the record, together with any transcript of proceedings, and shall furnish a copy of the record and transcript of proceedings or any part thereof to any party as requested. The Department is authorized to charge not more than its cost for the preparation of the transcript. Where a private contractor records the hearing, the party requesting a transcript must make all arrangements for the obtainment thereof directly with the private contractor.

The hearing may be adjourned only for good cause by the hearing officer on his own motion or at the request of either party.

The record shall include:

- all notices, pleadings, and intermediate rulings;
- the transcript or recording of the hearing;
- exhibits received into evidence;
- matters officially noticed;
- questions and offers of proof, objections thereto and rulings thereon;
- proposed findings and exceptions, if any;
- any request for disqualification of a hearing officer.

After the hearing has been concluded, the hearing officer shall submit a report containing findings of fact and conclusions of law and a recommended decision. Findings of fact shall be based exclusively on the record of the hearing.

233.2 Decisions

418.20 Responsibilities and Department Enforcement.

Upon reasonable notice to the Department, the record of the hearing may be examined by any party to the hearing at the Department's offices during regular business hours.

The hearing decision shall be made and issued by the Commissioner or by a member of his or her staff designated by him or her to consider and make such decisions and shall be based exclusively on the record of the hearing. The decision shall be in writing and shall describe the issues, recite the relevant facts, the pertinent provisions of law and Department Regulations, make appropriate findings, determine the issues, state reasons for the determination and, when appropriate, direct specific action.

A copy of such decision shall be mailed to the operator of the center and to its attorney or other designated hearing representative, together with a notice of the right to judicial review.

If the hearing before the Department determines that an application for renewal of a permit should have been granted, then the renewed permit shall be dated retroactively to the date of the expiration of the prior permit.

In the event the decision is adverse to the operator of the center, the operator shall forthwith comply with the specific action ordered in said decision.

233.3 Judicial Review

Not specified

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

418.2 Administration.

The place, person, association, corporation, institution, or agency to whom a permit to operate a day care center is issued is responsible for compliance with all applicable Regulations.

The place, person, association, corporation, institution, or agency is responsible for notifying the Department immediately at any time that there is a change in Director.

When a day care center operates with a governing board, that board and each member of that board shall be responsible for:

Establishing written operating rules (by-laws), regulating the conduct of its officers and members and enumerating their administrative and policy making duties;

Assuring that none of its members serve currently as a paid employee of the center;

Establishing clear lines of communication, and allocating responsibility among its members and between the governing body and the administrator;

Holding at least two full meetings annually, or more often as required, for the conduct of the business of the center;

Maintaining minutes of all meetings; and

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Filing with the Department the names, addresses, telephone numbers of the current principal officers and members, and, where the center is incorporated, the names, home and business addresses, home and work telephone numbers, and experience related to philanthropic and community affairs.

418.12 Staff/Child Ratios and Supervision.

When the day care center is in operation, there shall be a person designated as the director to supervise and direct activities. There shall be a competent staff member available at all times to substitute for the director when the director is away from the premises.

During the hours the day care center is in operation, an adequate number of qualified staff shall be on duty to insure the health and safety of the children in care. A qualified substitute shall be provided for an absent staff member.

Children shall not be left without competent supervision at any time. A second person shall be immediately available at all times. Only a person who is either 18 years of age or a high school graduate shall be left in full charge of children at any time.

No child shall be released from the day care center to any person other than his parent, guardian, lawful custodian or person previously designated thereby in writing. No child shall be released to return home unsupervised except upon written instruction of his parent, guardian or lawful custodian. Such instruction must be acceptable to the day care center and should take into consideration such factors as the child's age and maturity, proximity to his home, and safety of the neighborhood.

418.11 Staffing.

Workloads and assignments shall be such as to enable the staff members to fulfill their respective responsibilities.

There shall be an individual designated as the center director who shall be responsible for the direction and supervision of the center.

418.20 Responsibilities and Department Enforcement.

It is the responsibility of the day care center to keep the Department informed of any changes in the facility, staff, program or enrollment of children which would affect compliance with Department Regulations.

312. Telephone

418.10 Safety Requirements.

The day care center shall be provided with a minimum of one single line listed telephone for general use and emergencies and there shall be conspicuously posted nearby appropriate telephone numbers and instructions for obtaining fire, police and medical assistance.

313. Proof of Operator Financial Capabilities

418.4 Required Documentation in Support of an Application to Operate a Day Care Center.

The completed application, on forms furnished by the Department, shall include satisfactory evidence of finances sufficient to operate properly and in accordance with the rules of this Part, including, but not limited to, a projected annual budget showing anticipated operating expenses and income.

314. Insurance

418.4 Required Documentation in Support of an Application to Operate a Day Care Center.

The completed application, on forms furnished by the Department, shall include proof of acquisition of general liability insurance.

320. PERSONNEL321. Publication of Personnel Policies

418.4 Required Documentation in Support of an Application to Operate a Day Care Center.

The completed application, on forms furnished by the Department, shall include copies of the center's personnel policies and practices, job descriptions for each position, education, experience and other qualifications required for each position, salaries, resumes on all employed staff, including age, education and experience, hours of work, and specific assignments of all staff, copies of references, from other than relatives, for director of center, and child/staff ratio for each group of children.

322. Constraints Against Employment

418.11 Staffing.

Day care centers shall employ or have available such staff and professional services as will promote the physical, intellectual, social and emotional well-being of children therein. No person shall be in the employ of a day care center who has been convicted of a crime against children.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

418.7 Admission of Children.

A day care center shall not discriminate on the basis of sex, race, color, or national origin in the admission of children.

418.11 Staffing.

All day care centers must comply with all applicable State and Federal laws relating to equal employment opportunity.

340. RECORDS REQUIREMENTS341. Children

418.18 Retention of Records.

The information to be retained, maintained, and available for Department inspections shall include but not be limited to:

Name, address, sex and date of birth of each child;

Parent(s)' or caretaker/relative(s)' names and addresses and place or places at which parents or other person responsible for the child can be reached in case of emergency;

Names and addresses of persons authorized to take child(ren) from the day care facility;

A daily attendance record;

Reports of physical examinations and immunizations of children and physical examinations of staff;

Copies of the written policy statement which shall have been read by the parent(s) or caretaker/relatives.

342. Staff

See 321. Publication of Personnel Policies

343. Child Eligibility and Enrollment Requirements

418.7 Admission of Children.

No child shall be accepted for care unless:

The day care center has been issued a permit by the Department;
The child is at least eight weeks of age;
The day care center complies with the provisions of Regulation 418.17
when admitting children under 3 years of age;

At the time of admission, the day care center shall:

Have prepared a written policy statement which shall be read by the parent(s) or caretaker/relative(s), setting forth the responsibilities of the center and the parent(s) or caretaker/relative(s), and describing the policies of the day care center regarding admission, and policy actions the day care center will take in the event the child is not picked up as scheduled, food service arrangements, fees to be charged for the services, the manner of payment, and the program to be provided. (A copy should be given to the parent(s) or caretaker/relative(s) with the original maintained by the center);

Secure a written statement from the child's parent, guardian or person having legal custody containing the name and telephone number of the child's physician or medical service, instructions on action to be taken in the event of an emergency, the names, addresses and telephone numbers of the child's parent or guardian and any special instructions regarding the care of the child that may be necessary or helpful;

Make available to the parents or guardians of children enrolled in the center the Department's day care licensing requirements and the name(s), addresses and telephone numbers of person(s) with the legal responsibility and administrative authority for the operation of the day care center.

344. Child Abuse Reporting

418.19 Child Abuse Reporting.

In accordance with the provisions of Section 432 of the New York State Social Services Law, the staff and directors of day care centers are to report to the New York State Child Abuse and Maltreatment Register (CAMR) whenever there is reasonable cause to suspect that a child has been abused or maltreated. This shall be done in the following manner:

Center staff shall report such information to the director of the center;

The director is then responsible for making or causing a report to be made to the CAMR immediately by telephone (800-342-3720) and within 48 hours by writing a report to the appropriate department of social services in the county in which the child resides.

345. Confidentiality of Records Requirements

418.18 Retention of Records.

Information relating to an individual child shall be confidential and shall not be disclosed to unauthorized persons unless the parent(s) or caretaker/relatives of the child has granted written permission for such disclosure.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

418.12 Staff/Child Ratios and Supervision.

Staff/child ratios shall be as follows:

AGE OF CHILD	MINIMUM REQUIRED STAFF PER NUMBER OF CHILDREN	MAXIMUM GROUP SIZE
8 weeks to 1-1/2 years	1:4	8
	1:4	12
	or	
1-1/2 years to 3 years	1:5	10
	1:6	18
	or	
3 years	1:7	14
	1:7	21
	or	
4 years	1:8	16
	1:8	24
	or	
5 years	1:9	18
6 years to 10 years	1:10	20
10 years to 14 years	1:15	30

412. Methods of Computing Staff/Child Ratios

418.12 Staff/Child Ratios and Supervision.

The staff/child ratios set forth herein are based upon the enrollment of the day care center. The enrollment of the day care center shall not be greater than the full time equivalent of 10% above licensed capacity.

Children under the age of 3 years shall not participate in mixed age groups. For children in excess of 3 years of age, who are cared for in mixed groups, staffing shall be provided to care for the needs of the youngest child in the group.

Waiver. Programs providing care to children 3 years of age or older, operating for more than three but no more than six hours a day, following the regular school calendar of the local school district wherein the day care center is located, and which have an organized, recognized, educational curriculum, shall be eligible to apply to the Department for a waiver from the staff/child ratios and maximum group size provisions set forth herein.

420. GROUP SIZE

421. Group Size as of March, 1981

See 41l. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 412. Methods of Computing Staff/Child Ratio

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

51l. Age

418.12 Staff/Child Ratios and Supervision.

Only a person who is either 18 years of age or a high school graduate shall be left in full charge of children at any time.

512. Health

418.11 Staffing.

All child care staff and other center employees who have regular contact with children or whose duties include food handling, shall have a physical examination by a physician prior to employment and at least annually thereafter with tuberculin tests or chest x-rays required annually for such staff and employees.

No person shall be on duty in the day care center while he/she has acute symptoms of respiratory, gastro-intestinal or skin infection, and/or any other communicable disease.

513. Education

418.11 Staffing.

In a center with less than 45 enrolled children, a full time staff person shall possess an associate of arts degree in a child related area or two years of college with 12 credits of child related courses.

In a center with 45 or more enrolled children, a staff person shall possess two years of teaching experience in day care, early childhood, or related educational programs.

If the staff person described in (2) above is employed by a center on a part time basis, such person shall serve no more than five day care centers and shall serve each center no less than one full program day per week.

Heads of groups of all day care centers shall possess a high school diploma and 3 years of related experience; or an associate of arts degree in a child related field; or a Child Development Associate credential.

Any head of group responsible for supervising more than one paid staff person in the classroom shall have an additional two years experience.

The same person may be center director, head of group, and responsible for directing, developing and supervision the daily activity programs for children provided that the qualifications set forth in the preceding paragraphs for the positions have been met, with the exception that the center director may not serve as head of a group when there are more than forty-five children enrolled in the day care center.

Assistant to the head of the group in all day care centers shall have a high school diploma or its equivalent, or substantial experience in day care, early childhood, or related programs. This person shall be in good health, and shall be authorized to supervise a group independently for brief periods of time during the day with direction from the head of the group. Group assistants for 8 weeks to 3 years olds must have specific experience and/or training in infant/toddler care.

514. Experience

418.11 Staffing.

In a center with less than 45 enrolled children, a full time staff person shall possess one year of related supervisory experience.

In a center with 45 or more enrolled children, a staff person shall possess two years of teaching experience in day care, early childhood, or related educational programs along with:

a New York State Teaching Certificate or its equivalent in early childhood education (nursery, kindergarten and primary grades); or

a K-6 or N-6 certificate with specialized preparation for teaching in early childhood grades; or

a license by the Board of Education of the City of New York as a teacher in early childhood classes and completion of at least 150 clock hours of observation and supervised practice teaching in pre-kindergarten or kindergarten grades; or

certification by another public or private certifying agency whose standards are equivalent; or

an associate degree in early childhood education or directly related fields, and four years of teaching experience in a day care center or related educational program for children and a plan of study to meet the requirements as given above.

Staff members shall be qualified by training and experience to carry out their respective functions in the administration, operation and maintenance of the day care center. These employees shall be mature, and in good physical and mental health, be of good character and possess suitable personal qualifications.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

418.11 Staffing.

Each center shall have on staff a person with specific child related training.

See also 513. Education

524. ExperienceSee 514. Experience530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program DirectorSee 542. Child Caregiver Staff542. Child Caregiver Staff

418.11 Staffing.

The day care center shall provide staff supervision and in-service training necessary to assist the employee in carrying out his/her responsibilities. This shall include appropriate supervision and training to aid staff in meeting the needs of those children admitted to the center who have special mental/physical conditions or handicaps.

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

418.14 Program.

The daily activities for each child in the facility must be designed to influence a positive concept of self and to enhance his social, cognitive, and communication skills.

A schedule of program activities which offers reasonable regularity in routines, including snack and meal periods, and activities which provide children with opportunities for learning and self-expression are required. This schedule should be made available to the parent(s) or caretaker/relative(s).

The basic program shall contain constructive activities and experiences conducted in such manner that the children are protected from fatigue, overstimulation and other stress situations.

418.16 Health Services.

The day care center shall provide periods of supervised outdoor play for all children, except during inclement weather or when otherwise instructed by a physician or parent.

612. Program Equipment and Materials

418.14 Program.

The day care center shall provide a variety of equipment so that each child will have access to toys and equipment suitable to his age which will stimulate his interest in active and imaginative play. All toys and equipment shall be kept clean and in good repair to prevent accidents or injuries.

613. Nap Provision

418.8 Physical Plant.

Equipment and furnishings. A firm and sanitary crib, cot or bed of adequate size shall be provided for each child under five years of age who spends more than four hours per day at the day care center and for any other child requiring a rest period. No cot, bed or crib shall be occupied by more than one child at any one time.

Beds, cribs or cots shall be placed so as to provide adequate space on all sides except that adjacent to a wall.

Individual sanitary bed covering sufficient to maintain adequate warmth shall be available for each child and shall be used when necessary.

418.16 Health Services.

The day care center shall have appropriate rest or quiet periods when a child can sit quietly or lie down to rest. For children unable to sleep, time and space must be provided for quiet play.

614. Discipline and Guidance

418.14 Program.

The program shall be varied in order to promote the physical and emotional well-being of the children. Corporal punishment and humiliating or frightening methods of control and discipline shall be prohibited. Punishment shall not be associated with food, rest, toilet training or isolation.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

418.7 Admission of Children.

No child shall be accepted for care unless the child has received a medical examination by a physician within 30 days prior to admission or shortly thereafter. Each child admitted shall also have had dental and other health evaluations appropriate to his age and state of health.

713. Immunizations

418.7 Admission of Children.

No child shall be accepted for care unless a written statement signed by the physician administering the medical examination cited above has been furnished to the day care center, giving assurance that the child is free from contagious or communicable disease; and has received prophylaxis against diphtheria, tetanus, pertussis, poliomyelitis, measles, rubella and mumps appropriate to his age, except where there are medical or religious contraindications.

714. Sanitation

418.9 Sanitation.

All rooms, outdoor play space, equipment, supplies and furnishings shall be kept clean and sanitary at all times. The day care center and its premises shall be kept free from dampness, odors, vermin and the accumulation of trash.

The floors and walls of the rooms shall be kept clean and in good condition. All concrete floors used by the children shall be covered with an appropriate material.

Individual drinking cups, disposable paper cups or bubbler fountains of the angle jet type shall be provided.

The use of common washcloths, toothbrushes, towels, combs and hairbrushes shall be prohibited.

Sufficient and suitable clothing shall be available so that children who soil their clothing may receive a change. All such clothing shall be washed after each use.

418.10 Safety requirements.

Any pet or animal on the premises, indoors or outdoors, shall be in good health, properly cared for and known to be a friendly, suitable pet for children.

715. Daily Illness Screening

418.16 Health Services.

The day care center shall have a daily health check made of each child by a person who is competent to recognize symptoms of illness, communicable disease, and abuse or child neglect.

716. Care of Sick Children

418.16 Health Services.

Advance arrangements for the care of any child who has or develops symptoms of illness or is injured. Such arrangements shall include notification of the child's parents, guardians or other persons having legal custody, and provision for emergency medical care of first aid. If a child should have or should develop symptoms of illness, he/she shall be provided with a place to rest quietly under observation until he is seen by a physician or is removed away from the day care center. In the event of an accident or illness requiring immediate medical care, the director of the day care center or other person in charge shall be responsible for securing such care and notifying the parents, guardian or person having legal custody of the child.

717. Medication and Special Diet Provisions

418.14 Nutrition.

Provision shall be made for proper food service for children in need of medically controlled diets.

418.16 Health Services.

Children shall not be administered any medication, prescription, variation in diet, or any other remedy or treatment, nor shall special medical procedures be carried out, except upon written order of a physician. Medication shall be carefully labeled with the child's name, kept beyond the reach of children, and returned to the parents, guardian or person having custody of the child when no longer needed.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

418.10 Safety Requirements.

Toxic paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.

All flammable liquids, cleaning supplies, detergents, matches, lighters and any other such items which may be harmful to children shall be kept in a place inaccessible to children. Flammable liquids shall be stored in approved self-closing safety cans. Furnace rooms shall not be utilized for the storage of combustible materials.

Protective receptacle covers for electrical outlets shall be installed in all areas in the center which are occupied by children.

722. Fire Safety Requirements

418.10 Safety Requirements.

Fire detection, alarm and fire fighting equipment, appropriate to the type of building construction, size, height and occupancy shall be provided.

Such equipment shall include at least:

One fire extinguisher for every 2500 square feet of space, of the type recommended by NFPA, for room or locale to be protected.

An automatic fire detection alarm system throughout exitways, boiler rooms and any other unsupervised spaces within the building which contain fire hazardous materials. Such system shall be the heat or smoke sensing type or water sprinkler and alarm system

Manually activated fire alarm stations which shall meet U.L. or B.F.U. standards.

All fire detection, alarm and fire fighting equipment shall be regularly tested and maintained in good working condition, and all staff shall be instructed in its function and operation.

723. Transportation

418.15 Transportation.

A day care center shall use or contract for use, for the purpose of transporting children to and from the center, only motor vehicles or omnibuses that prominently display an unexpired certificate of inspection issued by the Department of Transportation (DOT).

The transportation shall be supervised by the center to preserve the health, safety and comfort of children.

At no time shall children be unattended in a vehicle.

Each child shall board or leave the vehicle from the curb side of the street.

724. Safety Requirements for Equipment

See 721. General Safety Requirements and 612. Program Equipment and Materials.

725. Water Activities (Including Swimming)

418.10 Safety Requirements.

Swimming and wading pools and their adjacent areas used by the center shall be constructed, maintained and used in such a manner as will safeguard the lives and health of children, and shall be operated in accordance with all State and local laws.

726. Emergency Procedures

418.10 Safety Requirements.

A written plan shall be developed and posted for the emergency evacuation of children from the premises and a subsequent roll call. All staff shall be given instructions as to their specific responsibilities in the event of fire. Primary emphasis shall be placed on the immediate evacuation of the children.

Fire drills shall be carried out pursuant to the recommendations of local fire departments, but in no event less than once each month, and a record thereof shall be kept on forms to be supplied by the Department.

727. First Aid Supplies

418.10 Safety requirements.

A first aid kit shall be kept adequately stocked for emergency treatment in day care centers. First aid supplies shall be kept in a clean container out of the reach of children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

418.14 Nutrition.

The day care center shall serve plentiful and nutritious meals and snacks at well spaced, regular intervals.

A day care center has the following options in providing snacks and meals for the children:

- direct provision by center staff;
- food service contract;
- any combination of the above.

It is the responsibility of the day care center to insure that children are provided food which meets current recommended dietary allowances of the National Research Council.

The following is the required ratio of snacks/meals per child to the hours of daily care in a day care center:

<u>One snack</u>	<u>Less than four hours of care</u>
one snack and a meal to supply at least 1/3 of the child's daily food requirements as recommended by the National Research Council	Over four but less than six hours of care
<u>Two snacks and a meal</u>	<u>Over six but less than ten hours of care</u>
Two snacks and two meals to supply at least 2/3 of the child's daily food requirements as recommended by the National Research Council	Over ten hours of care

The day care center shall provide mid-morning and afternoon snacks of adequate nutritive quality which shall include fruit or fruit juices of high vitamin C content, or milk, and crackers, vegetables or the nutritional equivalent thereof.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

418.14 Nutrition.

Food service shall comply with the requirements of Part 14 of the State Sanitary Code.

Sufficient time shall be allowed for meals so that the children will not be hurried.

The children shall be encouraged to eat the food served, but shall not be subjected to coercion or forced feeding.

Children shall be helped to gain independence in feeding themselves and should be encouraged to learn acceptable table manners.

Menus shall be:

reviewed for nutritional content, variety and quantity by a person qualified in nutrition;

dated and posted in a place accessible to the parent(s) or caretaker(s) and the Department.

900. SOCIAL SERVICES

418.14 Program.

The day care center shall have a program for meeting the individual and group needs of the children therein, with provision for consultation with parents.

Day care centers shall offer referral services to other community resources to children under care and their families when such children and families are in need of supportive social services not otherwise provided by the day care center.

1000. PARENT PARTICIPATION

418.4 Required Documentation in Support of an Application to Operate a Day Care Center.

The completed application to operate a day care center shall include a description of a program whereby parent(s) or caretaker/relative(s) are provided the opportunity to:

- at times mutually convenient, observe the center's program;
- be informed about the center's program and policy;
- regularly observe their children and meet with caregivers;
- exchange information about their children with the caregivers; and
- participate in parent or caretaker/relative conferences at least on a semi-annual basis.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

418.11 Staffing.

Heads of groups for 8 weeks to 3 years olds must have specific experience and/or training in infant/toddler care.

418.12 Staff/Child Ratios and Supervision.

Children under the age of 3 years shall not participate in mixed age groups.

418.17 Special provisions for children under 3 years of age.

There should be frequent verbal communication between staff and children.

Infants shall be taken outdoors for a part of each day for supervised play as appropriate, except during inclement weather, or unless otherwise requested by a physician or parent.

1120. HEALTH AND SAFETY REQUIREMENTS

418.16 Health Services.

A registered professional nurse shall visit and instruct staff on the care of infants in accordance with this section.

418.17 Special Provisions for Children Under 3 Years of Age.

Infants must be provided care within an environment which not only protects them from physical harm, but which promotes their physical, intellectual, emotional and social development.

Separate quarters or area apart from that of the older children shall be provided for infants.

There shall be a registered professional nurse to advise as to the general care of the infants and to instruct staff on the proper techniques required to preserve the health and general welfare of the infants. A registered nurse shall visit the center at least once each week during the hours of operation and shall remain as may be required to observe and assure that the infants are being provided proper care. Additional visits shall be made as often as circumstances may require.

Each infant accepted for care shall have a complete medical examination by a physician within thirty days prior to admission or shortly thereafter. In the case of an infant under six months of age, the medical examination shall be given within fifteen days prior to admission.

A statement shall be obtained by the day care center from the examining physician, which shall include a summary of the results of the examination, the medical history and, if a disease or abnormal condition is found, recommendation as necessary for the treatment of the infant, the modification of his activities, or in the case of a handicapped infant, suggestions for health supervision. An infant shall be denied admission to the center or shall be temporarily excluded therefrom upon the recommendation of the examining physician that admission to the center or care in the center for a particular period of time is contrary to the welfare of the child.

The day care center shall determine from a written statement by a physician or other acceptable evidence that the infant has received prophylaxis appropriate to his age. This shall include immunization against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps and rubella when there are no medical contraindications. If the infant's parents or guardian consent in writing, however, the infant may be admitted and immunized according to the current schedule for immunizations recommended by the Department of Health. This requirement shall not apply to children whose parent, parents or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practices herein required, and a statement shall be required as a prerequisite to such children being admitted or received into the day care facility.

Each infant shall be given a periodic complete medical examination and an appraisal of the infant's development by a physician.

A health supervision record shall be kept of each infant. Such record shall indicate:

- dates on which such care was received and the nature of the care;
- current status of immunization procedures;
- recommendations of a physician based on regular examination or examination for illness; and
- staff observation of the infant's physical and developmental status.

Appropriate and separate sleeping accommodations shall be provided as follows:

Cribs, padded playpens, or firm sanitary cots shall be provided and shall be situated at least two feet apart;

Pillows shall not be used;

A clean sheet, and a blanket when necessary, shall be provided for exclusive use of each infant.

Facilities shall be provided for the proper cleaning of toys, equipment and supplies used with each group of infants and for the proper refrigeration of food and baby formula. Infants shall be kept clean, dry and comfortable at all times. For such purpose, staff shall change infants' diapers as often as may be necessary. A firm, counter-height surface shall be provided in each group's area or room for diaper changes. A covered container for soiled diapers shall also be provided with disposable plastic liners which can be tied at the top for convenient and timely removal. A sink with soap, running hot and cold water and disposable hand towels shall be provided near the diaper change area.

1130. INFANT NUTRITION

418.17 Special Provisions for Children Under 3 Years of Age.

Where formula is required, it shall be prepared and provided by the parent or other responsible person in the infant's home, and all containers/bottles of such formula shall be clearly marked with the child's first and last names.

Each infant shall be removed from the crib, playpen or cot and held or placed in a chair for feeding. Each infant shall also be removed from his sleeping accommodations at other intervals during the day, and shall be permitted to crawl, toddle or walk as age and development permit. Infants, while awake, shall not be left routinely in a crib for more than one-half hour without direct adult contact.

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

418.7 Admission of Children.

At the time of admission, the day care center shall establish a program to meet the individual needs of any child(ren) accepted for day care who may require an unusual amount of care or attention because of mental or physical condition or handicap.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

418.14 Program.

Children six years of age or over shall be provided a program of self-initiated and group-initiated activities that are intellectually stimulating, and foster self-reliance and social responsibility.

1320. HEALTH AND SAFETY REQUIREMENTS

418.8 Physical Plant.

Children six years of age and over shall have facilities located in a separate area to avoid interference with the younger children's programs.

1400. FACILITY REQUIREMENTS1410. SPACE

418.8 Physical Plant.

Space shall be provided and so arranged that each child's outer garments may be hung separately.

Required area (space) per child. Children shall be accommodated in well proportioned rooms having a minimum of 35 square feet for each child, exclusive of halls, bathrooms, kitchens and offices.

Outdoor play space. Readily accessible outdoor play space shall be provided. Such play space shall be free from any conditions which are known to be dangerous to the health and safety of the children using these areas.

Area for sick children. There shall be a separate room or quiet area which can be adequately supervised, for children who become ill or who develop symptoms of illness.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

418.8 Physical Plant.

Rooms to be occupied by children shall have:

Adequate light and ventilation;

Temperature of at least 68 degrees as measured by a thermometer located not more than three feet from the floor;

All windows and doors shall be effectively screened to provide adequate protection against insects. They shall be, where necessary, openable and equipped with appropriate safety devices where necessary.

1430. EXITS

418.10 Safety Requirements.

Adequate means of egress shall be provided.

Children shall be cared for only on such floors as are provided with readily accessible alternate means of egress which are remote from each other.

All corridors and approaches to fire escapes and other exits shall be kept unobstructed at all times.

Exit stairways shall be enclosed with fire resistant walls, doors and doors frames and shall be equipped with low railings for the use of children.

Porches, walkways and play areas which are elevated shall have barriers to prevent accidents.

Stairs, walkways, ramps and porches shall be maintained free from accumulation of water, ice and snow.

1440. TOILETS AND LAVATORIES

418.8 Physical Plant.

Toilet facilities. Convenient, adequate and sanitary toilet facilities shall be provided for the children in a separate, properly ventilated room. One sanitary toilet and one sanitary wash basin for every group of 15 children or part thereof shall be deemed adequate.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Reports of inspections and approvals from local authorities and officials including:

Building and Zoning Departments;

Fire Department and Health Department inspections and approvals performed within the preceding 12 months of application date;

Inspection and approval reports by the Department of Health of non-municipal water supplies where utilized;

Inspection and approval of steam or hot water boiler and fire detection systems by an inspector who is certified by either state, municipal or insurance authority. Such inspections and approvals shall occur within the preceding 12 months of date of application.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

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Except where otherwise noted, all citations are to the North Carolina Administrative Code, Section 16, current as of March, 1981. North Carolina issues two types of licenses, an A license which is mandatory, and an AA license which is voluntary. Standards for the AA license differ from those for an A license and are indicated throughout the profile.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

N.C. GEN. STAT. Art. 7 §110-86 Definitions.

Unless the context or subject matter otherwise requires, The terms or phrases used in this Article shall be defined as follows:

"Day-care" includes any child-care arrangement under which a child less than 13 years of age receives care away from his own home by persons other than his parents, grandparents, guardians or full-time custodians.

"Day-care facility" includes any day-care center or child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children, wherever operated and whether or not operated for profit.

"Day-care plan" includes any day-care program or child-care arrangement where any person provides day care for more than one child and less than six children, wherever operated, and whether or not operated for profit.

112. Exclusions and Exemptions

N.C. GEN. STAT. Art. 7 §110-86 Definitions.

The following are not considered "Day Care Facilities: public schools; non-public schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

.1505 Pre-school Programs in Public and Non-public Schools.

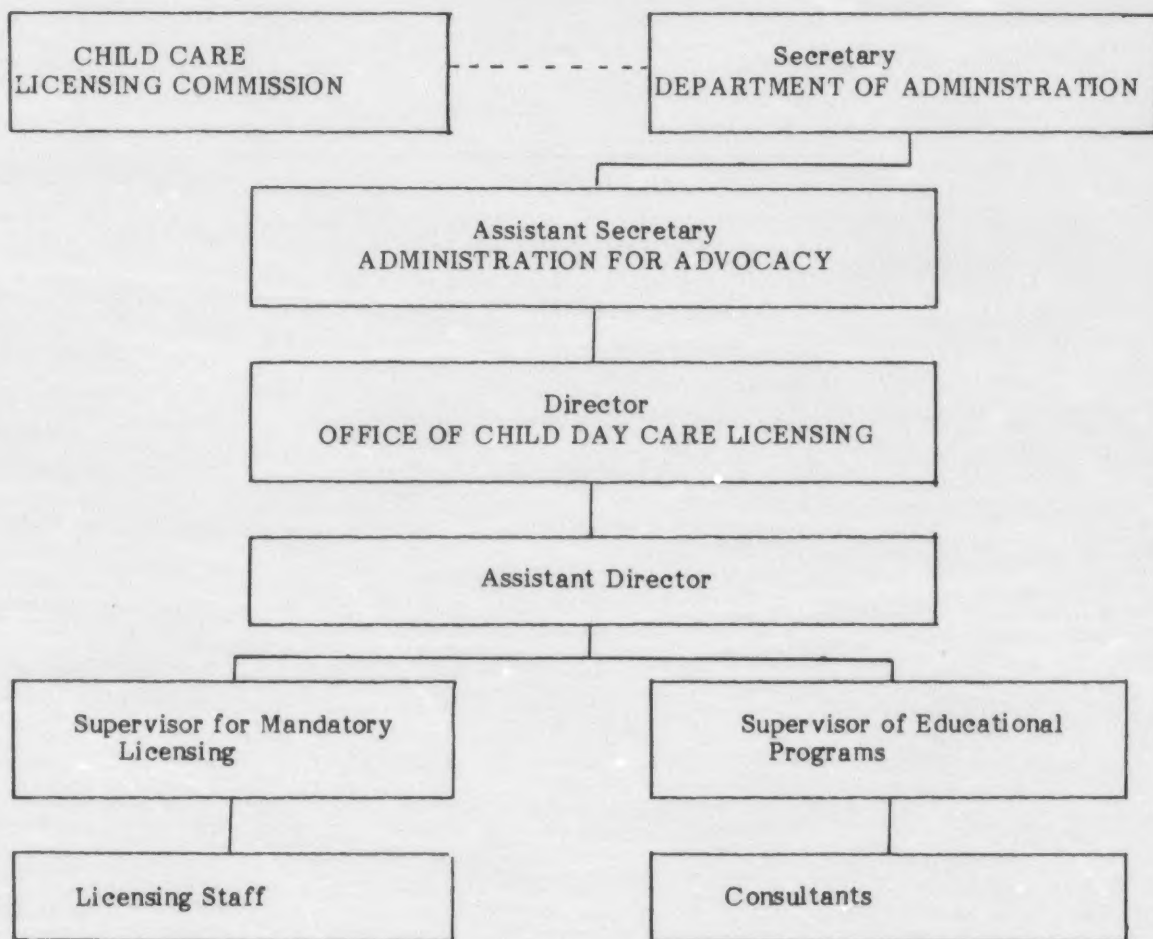
All pre-school age programs operated by or in the public schools are subject to licensing with the exception of the public school operated five year old kindergartens.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



122. Responsible Official

All inquiries should be addressed to:

Director, Office of Child Day Care Licensing
P.O. Box 10157
1915 Ridge Road
Raleigh, North Carolina 27605
(919) 733-4801

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

.1202 Notice.

Upon a decision to hold a rule-making proceeding either in response to a petition or otherwise, the Director of the Child Day Care Licensing Commission will give 30 days notice to all interested parties of a public hearing on the proposed rule.

Any person or agency desiring to be placed on the list for Child Day Care Licensing Commission rule-making notices may file a request in writing, furnishing their names and addresses to:

Office of Child Day Care Licensing
Post Office Box 10157
Raleigh, North Carolina.

Public notice of a rule-making proceeding will be by publication best calculated to give notice to the persons likely to be affected.

.1203 Location.

The rule-making notice shall state the location and time that the hearing will be held.

.1204 Oral Presentations.

Any person desiring to present oral data, views or arguments on the proposed rule must at least 10 days before the hearing file a notice with the director. Notice may be waived or failure to give notice excused by the presiding officer for good cause.

Upon receipt of a request to make an oral presentation, the director will acknowledge receipt of the request and inform the person requesting the imposition of any limitations deemed necessary to the end of a full and effective public hearing on the proposed rule.

.1205 Written Presentations.

Any person may file a written submission containing data, comments or arguments after publication of a rule-making notice up to and including the day of the hearing. Written submissions, except when otherwise stated in the notice, must be sent to:

Director, Office of Child Day Care Licensing
Post Office Box 10157
Raleigh, North Carolina.

Such submissions must clearly state the rule(s) or proposed rule to which the comments are addressed.

Upon receipt of the written comment, prompt acknowledgement will be sent including statement that the comments therein will be considered fully by the commission.

.1208 Emergency Rules.

The Child Day Care Licensing Commission shall have the power to issue emergency rules when required by reason of imminent peril to public health, safety or welfare. It shall issue such notice as time permits. An emergency rule shall in no event continue in duration for a period in excess of 120 days.

.1209 Declaratory Ruling.

Any person substantially affected by a statute or rule promulgated by the Child Day Care Licensing Commission may request in writing a declaratory ruling as to whether and, if so, how the statute or rule applies to a given factual situation or whether a particular agency rule is valid.

The Child Day Care Licensing Commission will have sole power to make such declaratory rulings.

Whenever the Child Day Care Licensing Commission believes for good cause that the issuance of a declaratory ruling is undesirable, it may refuse to do so. If it refuses to issue a declaratory ruling, the director will notify the petitioner of the commission's decision in writing stating reasons for the denial.

If a declaratory ruling is appropriate, the Child Day Care Licensing Commission will issue a ruling within 45 days of receipt of the petition.

A declaratory ruling procedure shall consist of a written submission of the issue in question.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE

221. Application and Issuance

.0201 Type of License.

Two types of licenses are issued by the Child Day Care Licensing Commission. The first is the "A" license which is issued to day care operators who meet the minimum statutory standards. The second is the "AA" license which is issued to day care operators meeting the higher voluntary standards promulgated by the commission.

.0202 Issuance of Initial License.

In order to be issued an initial license, the following completed forms must be submitted to the Office of Child Day Care Licensing, P.O. Box 10157, Raleigh, North Carolina 27605:

- one copy of the building inspection report,
- one copy of the sanitation standards evaluation form,
- one copy of the fire inspection report,
- one copy of the self check form, and
- one copy of the information sheet.

It is the responsibility of each potential licensee to contact the local building inspector, health department and fire department to arrange for the required inspections and to insure that the forms enumerated above are submitted in proper form to the Office of Child Day Care Licensing.

.0203 Completion of Forms.

The potential licensee must give the appropriate forms to the officials responsible for conducting the required inspections. The forms are then to be completed by the proper inspectors and forwarded as follows:

Building Inspection Report—three copies are to be completed. One copy to the Office of Child Day Care Licensing when application is made for a license; one copy to be kept by the inspector and; one copy to be kept by the potential licensee.

Fire Inspection Form—three copies are to be completed. One copy to the Office of Child Day Care Licensing when application is made for a license; one copy to be kept by the inspector and; one copy to be kept by the potential licensee.

Sanitation Standards Evaluation Form—three copies are to be completed. One copy to the Office of Child Day Care Licensing kept by the inspector and; one copy to be kept by the potential licensee.

.0204 Failure to Meet Standards.

If any of the inspectors do not approve the facility, the required alterations in the structure must be completed before a license will be issued.

.0205 Building Plans.

In addition to those forms required to be properly completed and submitted to the Office of Child Day Care Licensing in order to be issued an initial license, each potential licensee must submit as follows two sets of building plans for the structure to be used in day care:

one copy to the local sanitarian, and

one copy to the local building inspector or the State Department of Insurance.

222. Fee Charged

N. C. GEN. STAT. §105-60 Day-Care Facilities.

Every person, firm or corporation engaged in operating a day-care facility shall pay an annual license tax for the privilege of operating a day-care facility. This privilege license tax for a day-care facility licensed by the Day Care Licensing Board shall be as follows: ten dollars (\$10.00) for less than 30 children; sixty dollars (\$60.00) for 30 to 49 children; one hundred dollars (\$100.00) for 50 to 99 children; two hundred dollars (\$200.00) for 100-149 children; three hundred dollars (\$300.00) for 150 to 200 children; and four hundred dollars (\$400.00) for more than 200 children.

223. Areas of Investigation

Not specified

224. License Renewal

.1317 Failure to Submit Timely, Sufficient Renewal Application.

If a timely and sufficient application to renew a license has not been received 30 calendar days prior to the scheduled expiration date of the license, the Office of Child Day Care Licensing shall notify the licensee that the renewal application is delinquent and that the license will expire on the expiration date.

If the licensee further fails to comply before the expiration date, the Office of Child Day Care Licensing shall send an expiration notice to the licensee personally or by certified mail. The notice shall inform the licensee that failure to submit a timely and sufficient application for renewal resulted in expiration of the license. The notice shall also state that the licensee must demonstrate within 20 calendar days that he or she has made a good faith effort to renew the license and has been unable to do so for reasons beyond his or her control. Otherwise, the license will have expired as of the expiration date indicated on the license and may be removed.

225. Conditional/Provisional Licenses

.0207 Provisional Licenses.

A provisional license shall be issued in the following situations to day care facilities which do not conform in every respect with the standards relating to health and safety but which the director finds are making a reasonable effort to conform to such standards:

when the sanitation standards evaluation form indicates that any six demerit point item is violated or the demerit score is more than 20 but not more than 40. In this situation a provisional classification will be given for a period not to exceed seven days but in no event shall a provisional license be issued where the demerit score is greater than 40 points. If construction or renovation is involved, a provisional license may be issued for a longer period of time, not, however, to exceed one year;

when the fire inspection report indicates a deficiency which the fire inspector nevertheless does not deem to be hazardous;

when the building inspection report indicates a deficiency which the building inspector nevertheless does not deem to be hazardous;

when the outdoor play area is not protected by an adequate fence or other protection.

In those situations provided for in (above) the director may issue a provisional license effective for up to but not longer than one year from the issuance thereof.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

.1314 Right to Show Compliance.

Before commencement of any proceedings for revocation, suspension, termination, nonrenewal, or other agency proceedings adversely affecting a licensee, the licensee shall be given an opportunity to show compliance with all lawful requirements for retention of license.

.1315 Failure of Applicants to Meet Standards.

If an applicant fails to meet the standards for a license after submission of all of the required forms, the Secretary of Administration or his designee may

deny the issuance of the license. An applicant who has been denied a license shall be given written notice thereof in a notice of denial. The notice shall be sent by certified mail to the address shown on the application. It shall state the reasons for denial and the right of the applicant to request one administrative appeal hearing on the matter within 20 days. If such a hearing is requested within 20 days the secretary or his designee shall notify the applicant by certified mail in a notice of hearing of the date, time and place of the hearing. Such notice of hearing shall be sent at least 20 days prior to the hearing. If the applicant complies with the standards before the hearing date, a licensee shall be issued without a commission ruling. If an applicant appears before the commission as provided in this Rule and fails to show cause why the application should not be denied, the commission shall deny the application.

.1316 Failure to Maintain Standards.

Whenever the Secretary of Administration or his designee finds that the failure of a licensed day care facility to maintain standards warrants revocation of the facility's license, the licensee shall be notified of an administrative appeal hearing to show cause why the license should not be revoked. The notice of hearing shall be sent by certified mail not less than 20 days prior to the hearing date. If the licensee fails to show cause why the license should not be revoked, the commission shall thereupon revoke the license.

233. Remedies and Sanctions

233.1 Hearings

.1320 Requests for A Hearing.

An applicant or licensee who has not already received a notice of hearing may formally request a hearing within 20 days after receipt of a notice of proposed agency action, a notice of denial or a notice of expiration; or where the person is otherwise entitled to a hearing under these rules and has exhausted all reasonable efforts to resolve the issue informally with the Office of Child Day Care Licensing and is still dissatisfied.

A request for a hearing shall contain the name and address of the petitioner, a concise statement of the relevant agency action, a concise statement of the way in which the petitioner has been aggrieved, and a clear and specific request for a hearing.

Requests for a hearing shall be sent by certified mail to: Director, Office of Child Day Care Licensing, P.O. Box 10157, Raleigh, North Carolina 27605.

.1321 Waiver.

If a person fails to request a hearing within 20 days after the receipt of a notice of proposed agency action, a notice of denial or a notice of expiration, then that person's right to a hearing will be deemed waived and the agency action shall thereupon go into effect.

.1322 Notice of Hearing.

Every application or licensee for whom a hearing has been granted or otherwise initiated shall be served with a notice of hearing at least 20 days prior to the date of the hearing. The 20 day period shall include the day of the service or mailing but shall not include the day of the hearing.

Notice shall be given personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the date appearing on the return receipt. If giving of notice cannot be accomplished either personally or by certified mail, notice shall then be given by publication under G.S. 1A-1, Rule 4(j).

.1323 Who Shall Hear.

All administrative appeal hearings will be heard by the Child Day Care Licensing Commission.

.1325 Issuance of Subpoenas.

The commission may compel the attendance of witnesses or the production of evidence including books, records, correspondence and documents at an administrative appeal hearing by issuing a subpoena. Subpoenas may be issued either upon the commission's own motion or upon a written request of any party. The Secretary of Administration and the Director of Child Day Care Licensing are authorized to issue subpoenas in the name of the commission.

If a person to whom a subpoena is directed fails to comply with its order, the commission may apply to the Superior Court Division of the General Court of Justice for an order to show cause why the subpoenaed party should not be held in contempt of the agency.

.1327 Simplification of Issues.

Unless prohibited by statute, the parties to an administrative appeal hearing may agree in advance to simplify the hearing by eliminating the issues to be contested, by accepting the validity of proposed evidence, by accepting the findings of some other related case, or by agreeing to other matters as may expedite the hearing.

233.2 Decisions

.1330 The Final Agency Decision or Order.

Upon completion of the submission of evidence and arguments in an administrative appeal hearing, the commission shall declare an executive session for purposes of reaching a final decision or order. The final decision or order shall be made in writing after reviewing the entire record and shall be supported by substantial evidence. The decision or order shall include findings of fact and conclusions of law.

Once a decision has been reached by the commission, the Director of Child Day Care Licensing will be so informed and instructed to serve upon each party personally or by certified mail a copy of the order, including findings of fact and conclusions of law.

An operator shall retain any current license pending disposition of any administrative appeal and until the last day for applying for judicial review of the agency order, but shall be subject to injunctions as provided in G.S. 110-104.

233.3 Judicial Review

.1333 Judicial Review.

Judicial review of all final decisions or orders shall be available to an aggrieved party in accordance with Article 4, Chapter 150A of the General Statutes.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

.0208 Change of Owner.

When a facility changes ownership it is considered a new operation and must therefore apply for a new license.

.0209 Change of Locations.

When a facility is moved from one location to another, the new physical location must be licensed as a new operation. A child day care license is not transferable from one owner to another or from one location to another.

.0210 Change in Number of Children.

When a day care operator desires to change the number of children for which its facility is licensed it must:

notify the Office of Child Day Care Licensing,

properly complete a new self-check form and new information sheet
and submit these forms to the Office of Child Day Care Licensing.

When an operator desires to increase the number for which he is licensed, he must submit any new building or health inspection reports as would be required for the larger number of children.

.0402 Medical Consultant.

The day care operator shall make every attempt possible to secure the services of at least one medical consultant. The local public health departments can provide the services of a public health nurse and a nutritionist. The services of a physician or physician's assistant shall be arranged to handle emergency situations when a child's parents or private physician cannot be located.

.1101 Administration: Purposes and Goals.

The facility shall have written specific purposes and goals for the child day care program. The purposes and goals shall be reviewed annually and revised as needed.

Copies of purposes and goals shall be posted in the facility.

Copies of purposes and goals shall be available to parents and community leaders. Copies shall be distributed to all staff members and board members if there is a board.

.1102 Administration: Policies.

Copies of operational, personnel, parent involvement and family service policies shall be kept in the administrative files in the facility.

.1103 Record Keeping.

Administrative records shall include:

- purposes and goals of the day care program,
- personnel policies,
- operational policies,
- parent involvement and family service policies,
- initial application for a Grade A and AA Child Day Care License,

renewal applications for Grade A and AA Child Day Care License,
list of substitute staff to replace absent staff members,
dates of fire drills and time taken to evacuate the building,
current year attendance records for children,
insurance information.

312. Telephone

.0404 Communication and Transportation.

Every facility shall have a telephone for use in emergency situations.

.1106 Safety.

An operative telephone shall be on the premises. Phone numbers needed in emergency situations shall be posted near the phone. It is also recommended that a card file be available, by the phone, containing the following information on each child and staff member:

name of person and number to be notified in case of an emergency,

physician's name and number,

hospital preference.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

.0405 Insurance.

It is recommended that every day care owner or operator have liability insurance for legal protection.

.1107 Health.

It is recommended that each child shall be covered by accident and health insurance either provided by the facility or parents and written notice to that effect shall be kept in facility records.

320. PERSONNEL321. Publication of Personnel Policies

.1102 Administration: Policies.

The facility shall have written operational policies and personnel policies. The operational and personnel policies shall be reviewed annually and revised as needed.

Personnel policies shall be discussed with each employee at the time of his employment. Copies of personnel policies shall be given to each employee, who shall be notified of changes.

322. Constraints Against Employment

.1110 Staff.

The staff shall have no record of substantiated complaint of child abuse or neglect.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

.0602 Medical Care.

Each child shall have a medical examination by a licensed physician prior to or within two weeks of admission to day care. This statement shall include the list of immunizations which the child has had in accordance with the "State Immunization Schedule for Infants and Children."

The health statement shall be kept on file and readily available for reference. A medical examination report and a record of immunizations shall also be on file for all children who are regular drop-ins.

.1103 Record Keeping.

Children's records shall include an application, medical examination report and updated immunization record, and emergency information.

342. Staff

.0501 Staff Medical Statement.

Prior to the time of employment all personnel including the director shall obtain a physician's statement to be renewed annually indicating that the person is emotionally and physically fit to care for children. A yearly test showing the employees to be free of active tuberculosis shall be required. Staff medical forms or statements shall be included in the employees' individual file.

.1103 Record Keeping.

Personnel records shall include:

application, medical examination report, involvement in staff development opportunities, attendance records of staff, and time sheets of the hourly wage earners;

work schedule of employees; job descriptions; annual evaluations; references.

.1107 Health.

All staff members, including auxiliary staff, substitute staff and volunteers in lieu of staff, shall submit before employment a medical examination report signed by a licensed physician, or a physician's statement certifying that he or she is physically, emotionally and mentally capable of caring for children. Annual medical examinations shall be required of all staff.

343. Child Eligibility and Enrollment Requirements

.1102 Administration; Policies.

Operational and parent involvement policies shall be discussed with parents at the time they inquire about the possibility of enrolling their child in the day care facility. A copy of the policies shall be given to the parents who shall henceforth be notified of all changes. Parents shall sign a statement attesting to the fact that they have read the current policies. This statement shall be placed in the child's file on or before his first day of attendance at the center.

344. Child Abuse Reporting

.0601 General Provisions.

Children shall not be abused in any way that will result in physical injury, risk of death, disfigurement, impairment of health, loss of or injury to a body organ or exposure to a sex act. It is the operator's responsibility to prevent situations of child abuse in the facility. Any reports of child abuse which are brought to the attention of the Office of Child Day Care Licensing will be referred to the protective services division of the State Department of Social Services and will be investigated by that office.

345. Confidentiality of Records Requirements

.1103 Record Keeping.

Personnel and children's records shall be treated in a confidential manner.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

.0212 Staff-Child Ratio.

For day care facilities caring for less than 30 children, the ratios shall be as follows:

in facilities licensed for 6 to 10 children, inclusive, one full-time supervising adult with another person between the ages of 16 and 70 years, inclusive, available for emergencies in relief;

in facilities licensed for 11 to 20 children, inclusive, there must be one full-time supervising adult and one full-time staff member, one of whom may have responsibility for food preparation;

in facilities licensed for 21 to 29 children, inclusive, there must be one full-time supervising adult and two full-time staff members, one of whom may have responsibility for food preparation.

For facilities caring for 30 or more children, the ratio shall be as follows:

<u>Ages of Children</u>	<u>Number of Children</u>	<u>Staff Members</u>
0 to 2 years	8	1
2 to 3 years	12	1
3 to 4 years	15	1
4 to 5 years	20	1
5 or more years	25	1

.1113 Grouping and Staffing Ratios in Facility: Over 16 Children.

Staff-child ratios and group sizes, as shown below, shall not be exceeded for normal, healthy children. A group of children is defined as a certain number of children within the care of an assigned adult, or adults as the case may be. There shall be no tolerance allowed:

<u>Age</u>	<u>Staff</u>	<u>Number of Children</u>	<u>Group Size</u>	<u>Staff</u>
Birth to 12 months	1	6	1	
1 to 2 years	1	7	7	1
2 to 3 years	1	9	9	1
3 to 4 years	1	10	18	2
4 to 5 years	1	13	20	2
5 to 6 years	1	15	25	2
6 and older	1	20	25	2

In any multi-age group situation, all children under two years of age must be separated from the older children and be under the supervision of an additional staff person.

In any multi-age group situation involving children over two years of age, there may be no more than 12 children with one adult. Of that 12, no more than six may be under three years of age.

.1114 Grouping and Staffing Ratios in Facility; 6 to 16 Children.

Facilities caring for 6 to 16 children shall maintain the following grouping patterns and staffing ratios:

<u>Staff</u>	<u>Number of Children</u>
1	8 normal children, including the adult's own children or grandchildren, with no more than 2 children under 2 years of age.
2	9-16 normal children, including the adult's own children or grandchildren, with no more than 4 children under the age of 2 years.

412. Methods of Computing Staff/Child Ratios

See 411. Staff Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

.1110 Staff.

The staff shall be at least 16 years of age; staff under 18 years of age shall always work under supervision of an adult.

512. Health

.0403 Staff Responsibilities.

At least one employee shall be knowledgeable of and able to recognize common communicable and infectious diseases.

At least one staff member shall have a knowledge of basic first aid for accidents, fractures, cuts and scrapes, etc. A first aid information sheet should be posted in a prominent place for quick referral. Copies of this form may be requested from the Medical Society of the State of North Carolina, P.O. Box 27167, Raleigh, North Carolina. Local public health departments can give training through the "Medical Self-Help Program" which is recommended training for day care staff and can be arranged by the operator.

513. Education

.1111 Staff Education Requirements.

All facilities shall have at least one full-time employee who meets one of the following qualifications:

bachelor or associate arts degree with at least 12 semester hours in child development, child psychology, early childhood education or directly related fields;

certification as a Child Development Associate or similar status;

a high school diploma, or its equivalent, plus at least three years of satisfactory experience in day care, early childhood or related educational program;

certificate of approved performance in a high school child care services program plus at least two years of satisfactory experience in day care, early childhood or related educational program.

514. Experience

.1110 Staff.

The staff shall be free of habits injurious to children; and be capable of performing duties as attested through written references from persons knowledgeable of his or her abilities.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

.1109 Director or Operator.

The director or operator shall be at least 21 years of age, be free of habits injurious to children, and have no record of substantiated complaint of child abuse or neglect.

522. Health

See 342. Staff

523. Education

.1109 Director or Operator.

The director or operator shall show evidence of skills necessary to manage a day care facility and to provide a program which meets the AA standards; and have practical knowledge of child development by experience or training, preferably both.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

.1112 Auxiliary Staff Requirements.

Auxiliary staff shall meet health and age requirements for regular staff, shall be free of habits injurious to children, and shall have no record or substantiated complaint of child abuse or neglect.

.0503 Substitution Staff and Volunteers.

There shall be substitution arrangements available for ill staff members.

The substitute staff and volunteers shall comply with the health standards.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

.1116 Staff Development.

There shall be a regular staff development program utilizing a variety of instructional methods.

The staff development program shall be designed to help the staff understand their responsibilities, gain or improve skills as caregiver or administrator, understand children's behavior and developmental needs, understand parents' needs, as well as develop skills in working closely with parents.

Plans for the staff development program shall be written and on file in the facility.

In facilities licensed for less than 30 children, the director, a staff member or a consultant shall plan the staff development program using community resources.

In facilities licensed for 30 or more children, the director, a staff member, a board member or consultant to the day care program shall direct the staff development program. The person responsible for the staff development programs shall have one of the following qualifications:

bachelor or associate arts degree with at least 12 semester hours in child development, child psychology, early childhood education or directly related fields, and at least one year of experience in early childhood education;

ability and commitment to organize training through local educational facilities to be conducted by staff qualified to teach courses for that institution.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

.0607 General Health Care.

Periods of vigorous activities and of quiet times shall be alternately scheduled during the day. Provisions shall be made for children to have a rest period after lunch or some other appropriate time.

A time for play out-of-doors shall be arranged every day if the weather permits. Active exercise should be encouraged. Potential hazards such as unused refrigerators, uncovered wells, junked cars, trash and other materials injurious to the health and safety of the children shall be removed from area.

.1117 Program.

The rooms used by children in day care shall be arranged in activity centers.

The program shall provide experiences which encourage the development of a positive self-image for each individual child.

Activities planned and made available for the children shall include:

- creative art,
- music,
- language development,
- dramatic play,
- blockbuilding,
- large and small muscle activities,
- discovery (science),
- problem solving and number concepts,
- social awareness,
- health and safety,
- field trips and visitors,
- water and sand play,
- food experiences,
- carpentry,
- self-help skills (routines).

During free play activities, children shall have freedom to choose activities and playmates.

Periods of active play shall be followed by periods of relative quiet or rest.

There shall be a balance between self-directed activities for children and adult-guided activities.

There shall be opportunities for group experiences, one-to-one interaction experiences, and opportunities for being alone.

Children may be encouraged to participate in activities but shall not be forced to participate.

The program of activities and experiences shall promote the development of physical, social, emotional and cognitive skills appropriate for children and their individual level of development. The program of activities and experiences shall emphasize or focus on all aspects of the children's growth and development.

There shall be outdoor activities daily, weather permitting. Vigorous indoor activities shall be provided when children cannot play outdoors.

The program shall provide opportunities for the development of fine motor skills, visual and auditory discrimination skills, memory and sequencing skills, sensory perception skills, etc. These are pre-academic readiness skills.

612. Program Equipment and Materials

.1105 Equipment.

A variety of indoor and outdoor equipment and materials shall be available for the following activities:

indoor play area:

- block play,
- transportation,
- manipulation,
- carpentry,
- food experiences,
- creative art,
- water play,
- dramatic play,
- vigorous indoor play,
- discovery (science),
- music,
- language development;

outdoor play area:

- climbing and stretching;
- crawling;
- swinging;
- sliding;
- balancing;
- lifting and building;
- riding;
- manipulating and digging;
- throwing, kicking, rolling.

Furnishings and equipment selected for the day care facility shall be child size or adapted for safe and effective use by children.

Each child shall have a separate space for storing his wraps, extra sets of clothing and personal possessions.

Arrangements of indoor and outdoor play equipment shall encourage the child's involvement in selecting and putting away equipment and materials.

Emphasis on equipment and materials for the outdoor play area shall be on natural resources and flexible multi-use structures; however, park-like pieces of equipment are also acceptable.

613. Nap Provision

.1107 Health.

Provisions shall be made for each child to rest or sleep each day with the length of time for rest determined by the child's unique needs.

A firm, clean cot or mat (at least two inches thick) and clean linen shall be provided for each child's use. The cots or mats shall be labeled so that the same cot or mat and linen are used by each child daily.

There shall be at least 18 inches between beds, cots, or mats to allow access to and from them. The children shall be placed so that their heads are opposite the feet of children beside them.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

.0401 Health and Safety Program.

Each day care facility shall have carefully made plans for a health and safety program. This program shall include plans for consultant services, training and emergency plans.

.0502 Prevention and Spread of Diseases.

Staff members shall take every precaution to avoid spreading communicable diseases. No person while infected with any disease in a communicable form or while afflicted with boils, infected wounds, sores or an acute respiratory infections may work in the day care facility.

Every effort shall be made to safeguard the health of children in a group care arrangement. Children in the day care facility shall have opportunities for active play, rest, conversation and individual attention for healthy physical, mental and emotional development. Children shall learn to be independent and develop confidence in their skills and abilities. Discipline shall not be frightening or humiliating to the child and in no way should it be related to food, rest, toilet training or isolation for illness.

.1107 Health.

The services of a physician or a registered private or public health nurse shall be available on a consultative basis. The consultants' names and telephone numbers shall be listed and posted.

Health policies shall be developed and carried out concerning enrollment examinations, absence of children due to illness, readmission of children after an illness, current immunizations. All parents and staff shall be informed of these policies.

A plan shall be developed for controlling epidemics of communicable diseases. In addition, parents shall be notified when children have been exposed to contagious diseases.

712. Health Assessments

.1107 Health.

A physical examination shall be required for each child enrolled on a full-time or part-time basis. Completion and submission of the child medical examination report shall be consistent with Grade A licensing requirements.

713. Immunizations

.1107 Health.

Current immunization records shall be maintained for each child enrolled.

714. Sanitation

.0306 Scoring; Score Sheet.

All floors shall be easily cleanable, and shall be kept clean and in good repair.

The walls and ceilings of all rooms and areas shall be kept clean and in good repair. All walls shall be easily cleanable. Walls in food service areas, diaper changing areas and toilets shall have nonabsorbent, washable surfaces to the highest level reached by splash or spray.

The water supply shall be from an approved source, shall be adequate to meet the requirements of the facility and shall be of a safe, sanitary quality. Running water under pressure shall be provided.

Drinking fountains of an approved type or individual drinking utensils constitute adequate drinking water facilities. Drinking fountains, if provided, shall be of sanitary angle-jet design properly regulated and kept clean. All multi-use utensils used for drinking purposes shall be easily cleanable and thoroughly cleaned and sanitized daily and before being used by any other individuals.

Disposable utensils if used for drinking water shall be stored and handled so as not to become contaminated.

Pets and other animals shall not be allowed to wander throughout the child day care facility including the outdoor play area. Effective measures shall be taken to keep insects, rodents and other vermin out of the child day care facility and to prevent their breeding or presence on the premises. The premises including the outdoor play area shall be kept neat, clean, adequately drained and free of litter. All openings to the outer air shall be effectively protected.

Only those pesticides which have been properly registered with the appropriate federal regulatory agency and the North Carolina Department of Agriculture and approved for the purpose shall be used; such pesticides shall be used in accordance with the directions on the label and shall be so handled and stored as to avoid health hazards.

.0607 General Health Care.

Drinking water shall be freely available to children and offered at frequent intervals. Approved drinking fountains or individual drinking utensils shall be provided. When a private water supply is used, it shall be tested by and meet the requirements of the State Board of Health.

Children should be helped to develop good habits of cleanliness. They should be encouraged to wash their hands particularly before mealtime and after toileting. Children shall be offered frequent opportunities for toileting.

.1108 Sanitation.

The building used for the day care program shall meet and maintain all sanitation standards required for a Grade A license.

There shall be a plan that is carried out for daily, weekly, and monthly cleaning in the day care facility.

Grade A license shall be maintained.

715. Daily Illness Screening

.1107 Health.

A daily health inspection shall be made of children at the facility. This inspection shall be made by a staff member trained and experienced in recognizing early symptoms of illness.

716. Care of Sick Children

.0603 Emergency Care.

An application for day care for each child shall be kept on file in the facility and readily available for reference. This application should be referred to for information concerning allergies and behavior characteristics.

A quick referral to this form will provide the names, addresses and phone numbers of the parents, physician and the designated hospital for emergency use. In the event that the parents or the family physician cannot be reached in an emergency situation, the center shall have a consulting physician who shall administer treatment. Parents shall sign a statement giving permission for emergency care for their child upon his admission to the day care facility. Applications giving this information shall also be available for all children who are regular drop-ins.

.0605 Infectious Diseases.

Children with infectious diseases (red measles, mumps, chicken pox, tuberculosis) shall not be admitted to the facility until the disease is cured or has run its course. The child's physician should indicate in writing that it is safe for the child to return to group care. Children who are suspected of having a contagious disease shall be kept separated from the other children until they can be picked up by their parents or until the illness is diagnosed as noncontagious.

Infectious communicable diseases include but are not limited to: measles, mumps, chicken pox, German measles, diarrhea, hepatitis, meningitis, scarlet fever, strep throat, tuberculosis, whooping cough, ring worm, staphylococcus, boils, carbuncle, impetigo.

Children with intestinal upsets, viral rashes and mild colds may be admitted if not feverish in the morning and if they are able to participate in daily activities.

Children with skin sores or wounds shall be protected from children with smallpox immunizations and be seen for medical care if the condition persists for longer than a week. Care shall be taken to keep the sore or wounds clean.

.0606 Power to Restrict.

The director of a day care facility can restrict a child with a contagious disease from attendance. If there is difficulty in enforcing this standard, contact may be with the local health director who can quarantine the child until medically cleared of the disease.

.1107 Health.

Parents or legal guardians shall be immediately notified when their child becomes ill while in day care. Arrangements shall be made for his immediate care.

A quiet area shall be provided for ill children who must be removed or separated from the group. Supervision shall be provided for these children while on the premises.

717. Medication and Special Diet Provisions

.0604 Medications.

No child shall be administered any drug or medication without specific instructions from a physician or the child's parents. Prescribed medicine shall have the child's name, the physician's name, the name of the medication or the prescription number and the directions for dosage. This medicine shall be used only for the child for which it is prescribed and shall not be given to any other children. Patent medicines (such as aspirin, cough medicine or medications for intestinal disorders) shall only be given when the parent furnishes the medication and gives specific instructions for the dosage. All medicines are to be kept in a locked cabinet. Those medicines requiring refrigeration shall be stored in a refrigerator inaccessible to the children.

.1107 Health.

No medications shall be administered to any child without the signed consent of the parent or legal guardian or unless the medication is currently prescribed by a licensed physician and is accompanied by the physician's instructions for administering the medication.

All medications shall be kept in a locked compartment at all times except when being administered.

A list of food allergies or special dietary needs of children shall be posted in the kitchen and eating areas.

718. Waiver of Health Requirements

See 341. Children

720. SAFETY

721. General Safety Requirements

.0306 Scoring; Score Sheet.

All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing can, and any substance which may be hazardous to a child if ingested, inhaled or handled (skin contact) shall be stored in a locked storage room or locked cabinet.

Medications shall be stored in a separate locked cabinet. Medications which require refrigeration shall be stored in a designated area for such storage in a refrigerator which is not accessible to children.

.0905 Operating Features.

Smoking shall be permitted only where proper facilities and supervision are provided.

.1106 Safety.

The outdoor play area shall be enclosed by a fence or other approved protective barrier. Gates shall be equipped with secure fastenings.

A safe procedure for bringing children into the facility and for picking them up shall be established. It is recommended that this be written and distributed to parents and staff who shall be expected to follow this procedure.

.1504 Protection of Outdoor Play Areas.

The outdoor play area of every day care facility shall be protected to assure the safety of the children receiving day care by an adequate fence or other protection. In the absence of an adequate fence or a physical barrier of such nature that children cannot get through the protection and outside elements cannot get inside it, the operator may apply to the Child Day Care Licensing Commission for a determination by declaratory order as to whether or not adequate protection exists. The facility may be licensed provisionally pending such determination provided that the operator assures the Office of Child Day Care Licensing in writing that adequate supervision will be maintained at all times on the outdoor play area during the provisional period.

722. Fire Safety Requirements

.0802 Building Code Requirements for Small Group Day Care Facilities - Type of Construction Required.

The first floor rooms, or grade level rooms with exit to outside at grade (located at grade or first floor level) may be used provided all walls and ceilings are covered with plaster, gypsum wall board or other noncombustible surfaces. All other rooms with a flame spread rating higher than 200 must be separated from the day care use rooms by one hour fire rated walls and one and three-fourths inch solid core doors or paint such combustible surfaces with fire retardant paint.

All stairs from the floor used by the children that lead to a floor above or below must be closed off with inch solid wood bonded core doors or equivalent.

Fuel burning space heaters, fireplaces, floor furnaces and portable electric space heaters are prohibited unless secured to substantial supports. Unvented fuel burning heaters of all types are prohibited.

Smoke detection devices shall be installed in all corridors unless all rooms occupied by children have an exterior exit door leading directly to the outside from these rooms. These smoke detectors shall in no case be spaced farther apart than 30 feet on centers in corridors or more than 15 feet from any wall.

Every facility shall have a manually operated fire alarm or other sounding device which is audible throughout the area used.

Day care facilities with 6 to 25 children (with not more than 10 children under three years of age), which otherwise meet the board's requirements, (with all children on the first floor) are not required to comply with the wall and ceiling requirements... or the automatic fire detector requirements ..., or smoke detection devices as required... if all rooms used for day care facilities have an exit door directly to the outside at or near grade level with proper ramp or steps to grade level. A manual fire alarm device which can be heard throughout the building shall be installed.

.0902 Building Code Requirements for Day Care Centers - Construction; Children Under and Over Three Years Old.

Wood frame construction, which is normally used for dwellings, is restricted to one story in height and not more than 6,000 square feet in area.

All exit corridors must be constructed of materials having a fire resistance rating of one hour.

Any interior corridor more than 300 feet in length shall be divided into sections not to exceed 300 feet in length by smoke barriers consisting of one hour rated partitions with smokestop doors therein. Such partitions shall be continuous through any concealed space such as between the hung ceiling and the floor or roof above. Doors in smoke barriers shall be of metal, metal covered or other approved type appropriate to the purpose and construction of the smoke barrier, with clear wired glass panels.

A manual fire alarm system must be installed.

In addition to the manual fire alarm system, automatic smoke detection devices must be installed in all corridors, unless all rooms occupied by children have a direct exit to the outside. Such smoke detection devices shall be installed on or near the ceiling and in accordance with the manufacturers' recommendations, but in no case shall smoke detectors be spaced farther apart than 30 feet on centers in corridors or more than 15 feet from any wall.

All day care centers caring for children under three years of age which do not have an exit door directly to the outside for rooms used for children under three years of age must meet Group D-2 "Institutional Occupancy" of the State Building Code. These facilities must meet all the requirements outlined in this pamphlet and in addition must meet the following specified requirements applicable to institutional buildings:

All walls and ceilings throughout the entire building must be constructed of materials having a fire resistance rating not less than one hour.

The facility must have an automatic sprinkler or automatic fire detection system.

The facility must have a manual alarm system.

Fire Extinguishers shall be provided in accordance with the Standard of the National Fire Protection Association for First Aid Fire Appliances (NFPA #10). They shall be so located on each floor that a person will not have to travel more than 100 feet from any point to reach the nearest unit. At least one two and one-half gallon water-type extinguisher or other approved extinguisher shall be required for each 2,500 square feet of floor area or fraction thereof. In addition, an approved first aid fire appliance shall be installed at each kitchen and workshop.

.1106 Safety.

The building used for the day care program shall meet and maintain all building codes and fire safety codes required for a Grade A license.

Fire drills shall be conducted at least once every month. Administrative records shall include dates of fire drills, time of day, length of time required for evacuating the building, and the signature of the person in charge.

723. Transportation

.1127 Transportation.

When children are being transported in vehicles, the following maximum staff-child ratios and numbers of persons allowed in a vehicle shall not be exceeded:

<u>Vehicle</u>	<u>Maximum No. of Children 3 Years and Older With One Adult</u>	<u>Maximum No. of Persons in a Vehicle</u>
Standard car	6	7
Standard station wagon	10	11
Van, mini-bus or bus	15	Seating capacity of vehicle

If children under three years of age are transported, there shall be at least two adults in the vehicle. Safe infant seats or seat belts shall be required for transporting children under three years of age who are not held by an adult.

Children shall never be left at the delivery site unless supervising adults are certain that a responsible person is present to receive them.

Children shall never be left unattended in a vehicle.

Each child being transported shall have a seat and shall remain seated while the vehicle is in motion.

There shall be a plan of orientation prior to the transportation experience for young children.

Front seat belts shall be used by the children. Other seat belts shall be used if they are available.

Vehicles used for transporting children shall have all doors locked at all times the vehicle is moving. The doors shall be opened and closed only by the driver or by another designated adult.

Children shall be loaded or unloaded from the curb-side of the vehicle and only at the curb or in a safe driveway.

The vehicle used for transporting children shall be kept in excellent mechanical condition and shall maintain safety inspection standards set by the division of motor vehicles of the North Carolina Department of Transportation.

The driver of the transportation vehicle shall meet state requirements for a driver's license or chauffeur's license and shall have a safe driving record.

The vehicles shall be effectively and safely equipped to travel in snow and ice if transportation is provided in such weather conditions.

An emergency first aid kit shall be in the vehicle used for daily transportation of children.

724. Safety Requirements for Equipment

.1106 Safety.

Equipment and furnishings used both indoors and outdoors shall be periodically inspected and shall be sturdy, firmly anchored, free of sharp edges, loose nails or splinters, and in good repair.

725. Water Activities (Including Swimming)

726. Emergency Procedures

.0905 Operating Features.

Every "day care center" shall formulate a plan (in cooperation with the local fire department) for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan.

.1106 Safety.

The staff shall be trained in procedures for evacuating the building and alternate evacuation routes and responsibilities of the staff during emergencies which require evacuation of the building shall be posted.

There shall be a vehicle available at all times for use in emergency situations.

727. First Aid Supplies

.1106 Safety.

First aid information and a first aid kit equipped with soap, non-medicated band-aids, sterile gauze squares, adhesive tape and tweezers shall be maintained.

There shall be at least one staff member who is trained in first aid procedures on the premises at all times.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

.0607 General Health Care.

Food served shall be planned with the nutritional needs of the children in mind. Each child in a day care facility for four hours or more shall receive a lunch which is a nutritionally adequate meal providing one-third to one-half of the child's daily food requirements. In addition, each child shall receive refreshments or a snack which contribute to the child's total needs. Children should be encouraged but not forced to eat. Food shall never be used for either punishment or reward.

.1107 Health.

Menus for nutritionally balanced meals and snacks shall be planned at least one week in advance and posted for parents' information.

Whenever it is necessary for children to remain in care longer than the usual 9-10 hours, a nutritious meal in addition to the midday meal shall be provided.

There shall be an arrangement between parents and the operator as to whether the child will receive breakfast at home or at the facility.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

.0306 Scoring; Score Sheet.

All equipment and utensils shall be so constructed as to be easily cleaned and shall be kept in good repair. All surfaces with which food or drink comes in contact shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant, relatively nonabsorbent and free of open crevices. Disposable articles shall be made from nontoxic materials.

All multi-use eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage, and the facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

The facilities for the washing, rinsing and sanitizing of multi-use eating and drinking utensils needed by child day care facilities will depend upon the numbers and types of utensils in use; consequently, individual determinations of the acceptability of facilities for washing, rinsing and sanitizing multi-use eating and drinking utensils must be made by the sanitarian. If residential dishwashers which do not provide a sanitizing cycle are used for washing and rinsing, facilities for sanitizing must be provided.

All food shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. No hermetically sealed food which has been processed in a place other than a commercial food-processing establishment shall be used. All meat and meat products and all poultry and poultry products shall have been inspected for wholesomeness under an official regulatory program; and, in all cases, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages or from bills of sale.

Only Grade A pasteurized fluid milk and fluid milk products or evaporated milk shall be used. Dry milk and milk products may be used only for cooking purposes and flavored hot beverages unless otherwise prescribed by a physician.

When necessary to provide meals for children in a day care facility which is not equipped with a kitchen, such meals shall be obtained from a food-handling establishment approved by the sanitarian. Disposable eating and drinking utensils shall be used to serve such meals or food. The procedures and equipment used for transporting meals shall be as approved by the sanitarian.

The food preparation activities and the food service activities shall meet all sanitation requirements of the Grade A Child Day Care License.

900. SOCIAL SERVICES

.1125 Family Service Program.

The day care program shall have a plan for providing family services. The plan shall include:

- a description of the process for enrolling children in the program,

- a description of the services offered to families, children and staff,

- a list of community agencies and professionals to whom referrals can be made.

- name of person responsible for the family service program.

1000. PARENT PARTICIPATION

.1124 Parent Involvement.

The procedure for registering a child for day care shall involve both parents, parent substitutes, or guardian when possible.

A child and his parent or parents shall be encouraged to make a pre-enrollment visit to the day care facility before the child's first all-day stay.

Parents shall be given the opportunity to visit the facility frequently for observation of the program and their child.

Parents shall be encouraged and given the opportunity as individuals and as groups to participate in a variety of ways in the day care program.

Individual parent conferences between parents and the day care staff shall be arranged as needed for effective planning and evaluation of the child's day care experiences.

Day-to-day informal communication shall be encouraged between the day care staff and parents.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

.0701 General Provisions.

Infants and young children shall be kept in a space separate from the older children that is bright and colorful. These children should be cared for by caregivers who smile, talk and play with them so that the children hear happy, pleasant sounds. The room should be interesting with things to look at, play with, bang, handle and make sounds. They should be exposed to new things to do, play with or look at.

.0706 Out-Of-Door Activities.

Young children need exposure to the out-of-doors for the fresh air, sunshine and the variety of experience. They shall be separated from the older children when outside.

.0707 Supervision.

Infants and toddlers shall be supervised at all times.

.1118 Physical Facilities For Infant Care.

In facilities licensed for more than 16 children, indoor play areas for infants under 18 months or two years of age shall be separated from space used by older children. Outdoor play for infants under two years of age shall be arranged so that infants are protected from older children.

.1119 Furnishings And Equipment For Infant Care.

Furnishings, equipment and toys shall be safe, in good repair, clean and easily washable.

Each infant shall be provided with an individual safe crib, clean linen changed as it becomes soiled or wet; and a firm, comfortable plastic-covered mattress. (Low cots may be used for children who are developmentally suited for this.)

Cribs (and cots) shall be spaced at least 18 inches to two feet apart on all sides except where they touch a wall.

There shall be a wide variety of toys and equipment for manipulation, exploration, climbing, moving and play. Toys and equipment shall include crib toys, toys for active play, manipulative toys, books, and outdoor play equipment.

.1120 Program For Infant Care.

Some activities shall be planned each day to help infants develop self-awareness, develop language and communication skills, develop gross and fine motor skills, develop sensory perception skills, develop thinking and problem solving skills, and to develop social awareness. There shall be toys and equipment for encouraging the development of these skills.

There shall be periods of time every day when each infant has special individual attention in a one-to-one relationship with the caregiver.

Adults shall talk to, sing to, pat and cuddle, and play with infants frequently, especially when direct child-caring tasks are being performed.

During the day, infants shall have variety and change in what they see, hear, play with and feel. Infants shall not be confined to playpens or cribs and shall have their positions and locations changed often during the day: i.e., back to tummy, propped, placed in a jump seat or walker, placed on the floor, a blanket, or a rug.

Older infants having locomotor skills shall have freedom to move about the room to explore the environment and practice locomotor skills.

Infants shall have an opportunity to spend some time outdoors every day, weather permitting.

Individualized care shall be given to each child, especially in the activities of feeding, diapering and toileting, rest and sleep, active play, and giving attention and affection.

Sleeping, eating, toileting, diaper changing, and playing shall be adapted to the individual infant's needs, shall occur with some regularity, shall change as the infant's needs change, and shall bear some relationship to his home schedule.

Infants shall be fed when they are hungry. Small infants shall be held in an adult's arms for bottle feeding. Older infants shall be held or fed in safe high chairs or at baby feeding tables.

Diapers shall be changed promptly when they are soiled or wet.

Toilet training shall be coordinated in the day care facility with the parent's toilet training program. Toilet training shall begin when the parents and caregivers see evidence that the infant is ready to be trained.

Children shall be toilet trained according to their own rate. Rewards for success shall be emphasized rather than penalties for failure.

.1121 Staffing.

Staff for infant care shall meet and maintain all general staff requirements.

Staff shall be evaluated annually according to maturity, reliability, energy, responsibilities, warmth and tenderness, cooperative attitude, stability, and ability to set and maintain reasonable limits.

1120. HEALTH AND SAFETY REQUIREMENTS

.0306 Scoring; Score Sheet.

Drinking fountains of an approved type or individual drinking utensils constitute adequate drinking facilities. Drinking fountains, if provided, shall be of sanitary angle-jet design properly regulated and kept clean.

All multi-use utensils used for drinking purposes shall be easily cleanable and thoroughly cleaned and sanitized daily and before being used by any other individuals.

Drinking water for children using baby bottles shall be prepared, packaged and identified for the appropriate child. Drinking water in baby bottles shall be stored and handled in such a manner as to be protected against possible contamination.

.0705 Diapers.

Diapers shall be changed while the child is in his own crib or on a surface either provided with a clean covering after each change or cleaned after each usage. An adequate supply of clean diapers should be available at all times. The diapers shall be changed when they become soiled or wet and not on a shift basis. Diaper rash and infections are the results of not changing diapers often enough and not thoroughly cleaning the child when changing. Lavatories with hot and cold running water, soap and individual towels shall be provided in diaper changing areas so the staff can wash their hands after feeding or changing each child. Toilets shall be either in the diaper changing area or conveniently adjacent. Refer to the sanitation standards in this section for more specific details.

.1122 Infant Care Health And Safety.

Sanitation standards for Grade A license shall be maintained. Special attention shall be given to those standards related to toileting and diaper changing facilities and caregiving procedures; food preparation, service and storage; sleep furnishings and storage of cots; and storage of harmful medications, insecticides and cleaning supplies.

Parents shall be informed when problems arise concerning the infant's food intake, elimination activities, problems or accidents, and unusual happenings. Parents and staff shall communicate frequently about the infant's behavior and growth.

Immunization and health records shall be updated every six months for infants until they reach the age of 24 months.

Fire drills shall be conducted frequently at varying times during the day and with the approval of a fire marshal or fire inspector.

1130. INFANT NUTRITION

.0306 Scoring; Score Sheet.

Formula and juice served in a baby bottle shall be fully prepared and packaged (ready-to-feed) and identified for the appropriate child at the child's home and provided daily to the child day care facility by the parents/guardians; or formula and juice served in a baby bottle shall be provided by the child day care facility as a ready-to-feed, fully prepared and packaged single-use item; or formula and juice may be provided in a manner specifically approved by the local health director. Any excess formula or juice shall be discarded after each feeding. Formula and juice which required refrigeration, and baby food (after opening and recovering), shall be identified at 45 degrees Fahrenheit or below.

.0702 Feeding Requirement.

Young infants shall be held and cuddled while being fed. Propped bottles can cause ear infections, strangulation and an insufficient food intake. Formula and juice served in a bottle shall be prepared, packaged and identified for the individual child at the child's home and provided to the facility by the parents. The facility may provide the formula and juice if this method of provision or any other method is approved by the local health director as specified in the sanitation standards. Infants shall not share bottles.

.0703 Utensils And Containers.

Young children who are fed prepared food shall not share the same utensil or the same container.

.0704 Drinking Water.

Drinking water shall be offered at frequent intervals to infants and toddlers. Water bottles for the children shall be prepared, packaged and identified for each individual child. Drinking water in baby bottles must be stored and handled to protect against contamination as stated in the sanitation standards.

Immunization and health records shall be updated every six months for infants until they reach the age of 24 months.

Fire drills shall be conducted frequently at varying times during the day and with the approval of a fire marshal or fire inspector.

Caregivers shall conscientiously and carefully wash hands before feeding each infant and after diapering each infant. Disposable towels shall be used for drying hands.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

.0906 Facilities For The Physically Handicapped.

Public walks should be at least 48 inches wide and should have a gradient not greater than five percent.

Such walks shall be of a continuing common surface nor interrupted by steps or abrupt changes in level.

Whenever walks cross other walks, driveways or parking lots, they should blend to a common level.

At least one primary entrance to each building shall be usable by individuals in wheelchairs.

A ramp shall not have a slope greater than 1 foot rise in 12 feet.

A ramp shall have handrails on at least one side, and preferably two sides, that are 32 inches in height, measured from the surface of the ramp, that are smooth, that extend one foot beyond the top and bottom of the ramp.

Doors to all rooms including toilets shall have a clear opening of no less than 32 inches when open and shall be operable by single effort.

Steps in stairs that might require use by those with disabilities or by the aged shall not have abrupt (square) nosing.

Floors shall have a surface that is non-slip.

Toilet rooms shall have at least one toilet stall that:

- is three feet wide;

- is at least four feet eight inches, preferably five feet deep;

- has a door (where doors are used) that is 32 inches wide and swings out;

- has handrails on each side, 33 inches high and parallel to the floor, 1-1/4 inches in outside diameter, with 1-1/2 inches clearance between rail and wall, and fastened securely at ends and center;

- has a water closet with the seat 20 inches from the floor.

An appropriate number of water fountains or other water-dispensing means shall be accessible to and usable by the physically disabled.

.0906 Facilities for the Physically Handicapped.

An appropriate number of public telephones should be made accessible to and usable by the physically disabled.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

.1123 School Age Program.

The indoor activity area shall provide opportunities for large and small group activities as well as vigorous and quiet activities.

The outdoor play shall be staggered so school age groups can use the play area for vigorous, organized activities at times when the preschool children are not using the play area, or separate play areas shall be provided.

A wide variety of activities of interest to school age children shall be available. Recommended activities shall include:

- arts and crafts,
- dramatic play,
- block play,
- sand and water play,
- science and nature,
- carpentry,
- sewing,
- small group games,
- food experiences,
- social studies,
- literature and language arts,
- music,
- life-related chores and money-making projects,
- active outdoor play.

Basic equipment shall be provided for the various activities.

The program of activities shall be flexible and shall provide opportunities for children to have freedom in choosing how they will spend their time and for planning group activities or projects.

The program of activities shall include field trips away from the facility when full-time care is given to school age children.

Staff shall meet the general qualification requirements set forth for AA day care programs. In addition, they shall have general knowledge of school age children gained through formal training and/or experience in working with children of this age or shall be able to relate to this age child.

Indoor areas separate from preschool children shall be provided for school age children where there are 10 or more school age children.

Maximum group size for normal, healthy school age children shall be 25 children.

A program for normal, healthy school age children shall provide at least one regularly assigned supervising adult for every 25 children. In programs for school age children with special problems, there shall be a staff-child ratio of no less than two regularly assigned supervising adults for every 20 children.

Provisions shall be made for children to rest or sleep when they are fatigued.

A nutritious meal shall be provided for children receiving care for more than four or five consecutive hours. The meal shall provide from one-third to one-half of the children's daily nutritional requirements.

Substantial nutritious snacks shall be provided for children receiving care after school hours.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

.0211 Minimum Space Requirements.

There shall be at least 25 square feet of indoor space for each child for which a day care facility is licensed, exclusive of closets, passageways, kitchens and bathrooms.

There shall be at least 75 square feet of play area provided for each child using the playground without regard to size and type of facility or availability and location of outside land area.

.1174 Physical Facility And Equipment.

There shall be at least 30 square feet inside space per child present at any one time and 100 square feet outside space per child present at any one time. Or, there shall be at least 35 square feet for the inside space per child present at any one time and 100 square feet outside space per child present on the playground at any one time. There shall be outside space for at least 50 percent of the total number of children present at any one time. The inside square footage available to the children shall be exclusive of floor area occupied by fixed equipment or support functions such as closets, kitchens, bathrooms, hallways.

There shall be an area arranged for administrative and private conference activities.

There shall be storage space for indoor materials and equipment, office supplies and equipment, cleaning supplies and equipment, food and kitchen supplies and equipment.

A quiet area shall be provided for children who must be removed or separated from the group because of illness or accident. Supervision shall be provided for these children while on the premises.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

.0306 Scoring; Score Sheet.

All rooms and areas shall be well lighted and well ventilated by natural or artificial means which are effective under actual use conditions. In no event shall the minimum required level of illumination exceed 30 foot candles on tasks. Ventilation systems shall comply with the requirements of the North Carolina Building Code Council and all applicable state and local fire protection requirements. Lighting fixtures and ventilating equipment shall be kept clean and in good repair.

In kitchens, effective and properly-designed ventilation systems shall be provided. Adequate provision shall be made to admit make-up air from a suitable location to replace that which is exhausted from the kitchen.

For child day care facilities operated in private residences, domestic-type ventilation systems should be considered acceptable if the performance is satisfactory.

.0802 Type Of Construction Required.

The space to be used must have at least 10 percent of its floor area composed of windows with one half of these windows openable (or mechanical ventilation); and if space is partially below grade, it must have exit direct to outside.

1430. EXITS

.0802 Type Of Construction Required.

Each room used for day care purposes must have access to two remotely located outside exits. Only one exit is required if an exterior exit door opens directly to the outside from each room to be used by the children. Access from the room door to the two remotely located outside exits must not have a dead end distance of more than 20 feet measured from the room door used by the children to the point at which two separate outside exits can be reached. A dead end occurs when a hallway is arranged such that a person therein is able to travel in only one direction in order to reach either exit.

.0093 Exit Details.

Exits shall be restricted to the following permissible types: (A) Doors, (B) Stairs and smokeproof towers, (C) Ramps, (D) Horizontal Exits.

At least two exits remote from each other shall be provided for each floor or fire section of the building. Two separate and distinct ways of egress extending from the uppermost floor to the ground shall be provided from all rooms above the first floor or basement, such ways of egress to be so arranged in reference to rooms that in case of fire on one stairway, the other stairway can be reached by the occupant without his or her having to pass the stairway involved.

The capacity of each permissible type of exit shall be based on its width in units of 22 inches, each unit having a capacity of 100 persons for doors and 60 persons for stairs.

The capacity in number of persons for which exits shall be provided shall be the maximum number of persons occupying the building.

Revolving doors and other types of exits shall not be counted as required exits and shall not be installed except in situations such as revolving doors at a main entrance where not subject to desirable supplementary facility but are not counted as required exits.

.0905 Operating Features.

Exit lighting and exit signs shall be in accordance with the North Carolina State Building Code. This would require stairways, hallways and other means of exit, including exterior open spaces, to or through which exits lead to be kept adequately lighted at all times the building served is occupied. The floors of such exit ways shall be illuminated at all points such as angles and intersections of corridors and passageways, stairways, landings of stairs and exit doorways to intensities of not less than one foot candle measured at the floor.

All required exits and the ways of access thereto shall be identified by readily visible signs in all cases where the exit or way to reach it is not immediately obvious to the occupants.

Exit signs are not required in one-story buildings with a capacity of less than 30 persons.

All exit illumination shall be installed in conformance with the requirements of the National Electrical Code. No battery powered emergency lights shall be used for primary exit illumination but are required as an emergency source in case of complete power failure if licensed for more than 100 people and if used for night-time care or if it has interior corridors with no natural light.

1440. TOILETS AND LAVATORIES

.0306 Scoring; Score Sheet.

All child day care facilities shall be provided with toilet and lavatory facilities which are adequate as determined by the sanitarian, except in no event shall the minimum required exceed one water closet for every 15 children and staff and one lavatory for every 25 children and staff. Children in diapers need not be included when determining the number of water closets required.

Floor area shall be provided which is adequate as determined by the sanitarian, except in no event shall the minimum required exceed 15 square feet for the minimum-sized toilet room containing one water closet and one lavatory, and eight additional square feet for each additional plumbing fixture. Fixtures shall be kept clean and in good repair.

Lavatories provided for use by children shall be supplied with running water, soap and individual sanitary towels or other approved hand-drying devices. Separate lavatories supplied with hot and cold running water through mixing faucets (or with tempered warm water), soap, and individual sanitary towels or other approved hand-drying devices shall be provided for use by staff in kitchens and any other food preparation areas, and any diaper changing areas in addition to any lavatories which are provided in toilets, except where toilets with lavatories for use by staff only are immediately adjacent to these areas.

Sinks used for washing utensils and equipment shall not be used as substitutes for required lavatories for the food preparation area or diaper changing area. Lavatories shall be kept clean and in good repair.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

See 722. Fire Safety Requirements

1530. BUILDING

One set of plans must be submitted to the local building inspection department or the State Department of Insurance for approval of building code requirements. A floor plan must be submitted to the Office of Child Day Care Licensing for their information and for purposes of determining the number of children which can be housed in the facility, and one set of plans must be submitted to the local health department for approval of health and sanitation requirements.

A building permit must be obtained from the local building inspector before constructing a new building, or altering or adding to an existing building; and an occupancy permit is required to occupy an existing building for day care purposes.

A periodic fire inspection by the local inspector or fireman is required.

.0802 Type Of Construction Required.

The building must meet the Uniform Residential Building Code for dwellings and not be over 2,500 square feet in area on any one floor and not be over two stories in height.

305

1540. HEALTH

See 1550. SANITATION

1550. SANITATION

.0304 Inspections And Reports.

Inspections of child day care facilities shall be made by a sanitarian prior to the issuance of the initial license. Inspections of child day care facilities shall be made by a sanitarian at least once a year prior to the expiration date of the license.

If the conditions found at the time of any inspection are dangerous to the health of the children therein, the Director of the Child Day Care Licensing Office shall be notified immediately by telephone or other direct means by the sanitarian. A copy of the inspection report shall be immediately forwarded directly to the Director of the Child Day Care Licensing Office.

.0305 Reinspection, Visits.

The sanitarian shall reinspect or visit child day care facilities whenever he deems it necessary to insure compliance. When requested by the operator to inspect for the purpose of improving a classification, the sanitarian shall make at least one unannounced inspection within 30 days. The sanitarian shall give assistance in the explanation and interpretation of the standards.

1560. New Construction.

.0303 Approval Of Plans.

Plans and specifications for new construction or major modification of child day care facilities shall be submitted to the local health department for review and approval or disapproval prior to beginning construction. The results of the review shall be provided to the operator within three weeks of the submission of the plans and specifications.

Except where otherwise indicated, all citations are from the Social Service Board of North Dakota, Rules and Regulations for Day Care Centers, March, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

R. 50-11.1-13 Definition.

Day Care Center shall mean any facility, other than an occupied private residence, which regularly receives one or more children for supplemental parental care; or any facility, including an occupied private residence, which regularly provides supplemental parental child care for thirteen or more children.

112. Exclusions and Exemptions

Not specified

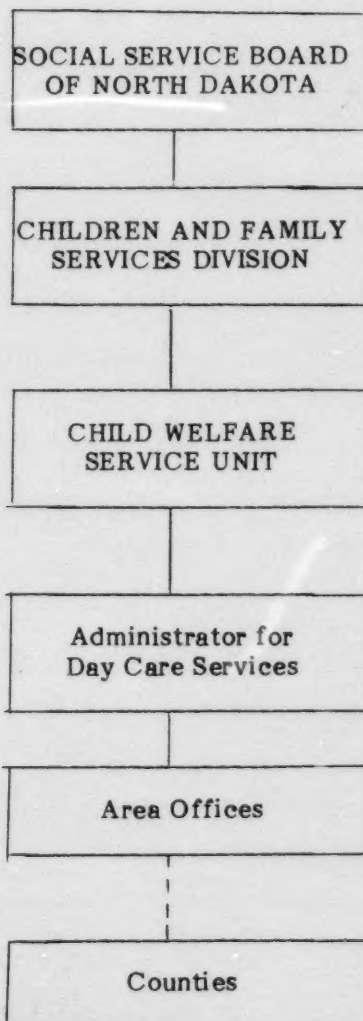
113. HHS Day Care Compliance

R. 50-11.1-42 Minimum Staffing Requirements for Licensing of Day Care Center As Eligible for Receipt of Federal Funds.

Any Day Care Center receiving funds under programs governed by the Federal Interagency Day Care Requirements shall meet the ratios of staff to children established in such requirements.

R. 50-11.1-43 Federal Interagency Day Care Requirements.

Any Day Care Center receiving funds administered by the Board shall be approved by the Board as meeting the requirement set forth in the Federal Interagency Day Care Requirements, a copy of which shall be available from the Board upon request.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

R. 50-11.1-18 Application for Day Care Center License.

Any person, corporation, partnership or voluntary association desiring to provide supplemental parental child care through the operation of a Day Care Center shall file an application for a Day Care Center license with the county social service board of the county in which the facility is located.

Application for a license shall be made in the manner prescribed in these regulations and on forms provided by the Board for such purpose.

R. 50-11.1-19 Requirements For Day Care Center License.

The name, and address, and telephone number of the operator as well as the name, address, and telephone number of the director shall be provided to the parents of enrolled children when the center is in operation.

Upon a finding by the Board of the operator's compliance with the rules and regulations, the operator shall be licensed by the Board as a Day Care Center and shall be entitled to a license to be issued by the Board. Such license shall be in force and effect for a period of one year. The license shall be non-transferable and shall be valid only on such premises as are indicated on the license.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

R. 50-11.1-15 Inspections.

Any Day Care Center operating within the purview of these regulations or any premises proposed to be operated as a Day Care Center shall be open to investigation or inspection at any time by the Board or its agents. Any such investigation or inspection may encompass the total planned operation of the center, including but not limited to staff, environmental sanitation, health, program and physical plant.

232. Denial, Suspension, Revocation of a License

R. 50-11.1-17 Denial Or Revocation Of License.

The right to provide supplemental parental child care in a Day Care Center is dependent upon compliance with the applicable provisions of North Dakota Century Code Chapter 50-11.1 and the required minimal standards set forth in these rules and regulations.

N.D. CENT. CODE §50-11.1-09 Revocation of license or registration certificate.

The board may revoke the license or registration certificate of any day care center, family day care home, or child care attendant upon proper showing of any of the following:

Any of the applicable conditions set forth in section 50-11.1-04 as prerequisites for the issuance of the license no longer exist.

The licensee or registrant is no longer in compliance with the minimum standards prescribed by the Board.

The license or registration certificate was issued upon fraudulent or untrue representation.

The licensee or registrant has violated any rules and regulations of the board.

The licensee has been convicted of any offense and the board, has determined that he has not been sufficiently rehabilitated.

233. Remedies and Sanctions

233.1 Hearings

R. 50-11.1-17 Denial or Revocation of License.

The Social Service Board of North Dakota may revoke a license to operate a Day Care Center provided the operator of said Day Care Center has been informed in writing of the reasons for revocation. The operator shall be afforded an administrative hearing if written request for such hearing is made within ten (10) days of receipt of the notice of intent to revoke and the reasons therefor. Upon timely appeal, the Board may, in its discretion, order the suspension of such revocation until the administrative hearing on such appeal.

233.2 Decisions

Not specified

233.3 Judicial Review

N.D. CENT CODE §50-11.1-12 Violation of chapter or regulations-Injunction.

When there is a violation of this chapter or a regulation promulgated thereunder, and the unlawful activity or condition of the day care center or family day care home is likely to result in serious harm to the children under care, the board may seek injunctive action against the day care center or family day care home in the district court through proceedings instituted by the attorney general on behalf of the board.

N.D. CENT. CODE §50-11.1-13 Penalty.

Any person, partnership, firm, corporation, association, or organization who violates any of the provisions of this chapter is guilty of a class B misdemeanor.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

R. 50-11.1-20 Minimum Qualifications And Duties Of Operator.

The operator of a day care facility shall have the skills necessary to manage a Day Care Center, the ability to relate effectively to parents and community, and the ability and willingness to provide a child care program which meets or exceeds the standards set forth herein.

The operator of a Day Care Center shall:

Maintain adequate enrollment, attendance, health, financial and related records in the manner prescribed and on forms provided by the Board for such purposes.

Accept responsibility for supervising, screening, scheduling, and the conduct of any staff, volunteers, or others who provide services in the facility.

Cooperate with the Social Service Board and other appropriate agencies in all reasonable efforts to improve the quality of care and the competence of care givers.

Insure that the center is sufficiently staffed in order to provide physical care to each child and to offer individual attention to children as may be needed as well as time to interact with children for the benefit of their social competence, emotional well-being, and intellectual development.

Evaluate its own program activities according to outlines, forms, program activity guides and questionnaires which may from time to time be provided by the Board.

Notify parents of enrolled children and the Board immediately of any significant changes in the services offered by the center. Written notification to the parents and the Board of such changes, their effective date, duration and scope and impact on the center, the enrolled children and the parent, and the staff or other involved parties, shall be given.

Publish a written fee schedule which shall be amended as necessary to reflect the current rates and charges of the center, based on Day Care Center cost figures.

Establish written regulations concerning the care and safeguarding of personal belongings brought to the Day Care Center by enrollees or others on their behalf.

Insure that the minimum standards for Day Care Centers as set out in these rules and regulations are strictly adhered to at all times.

R. 50-111-22 Duties of Day Care Center Director.

The Day Care Center director shall, coextensive with the Day Care Center operator:

Be responsible for maintaining adequate enrollment, health, attendance, financial and other related records as required by these rules and regulations.

Accept responsibility for screening, scheduling, supervision, and conduct of any staff.

Cooperate with the Board and other agencies designated by the Board in efforts to improve the quality of care and the competence of personnel in the center.

At no time shall a Day Care Center be without a designated director. Upon the temporary absence of the director, a designated assistant shall have the responsibilities normally assigned to the director.

312. Telephone

R. 50-11.1-29 Minimum Provisions Regarding Medical Care for Children.

Minimum provisions include the placement of a single line telephone immediately accessible to the center staff with a list of emergency telephone numbers conspicuously posted adjacent to such telephone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

R. 50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Insure the Day Care Center shall have written personnel policies which provide for job descriptions, qualifications, and a statement of employee responsibilities.

322. Constraints Against Employment

R. 50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Insure that no individual shall be employed or retained in the Day Care Center who has been judicially determined to have abused or neglected a child, or is awaiting a hearing on such charges or allegations.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

R. 50-11.1-14 Nondiscrimination.

Operators shall have some written admission requirements and enrollment procedures. Any Day Care Center receiving public funds shall provide in such requirements and procedures a statement that the facility is operated on a nondiscriminatory basis affording equal treatment in regard to race, color, creed, national origin, religion, sex, or marital status or age of the parents. Operators shall insure that the intent of such statement is adhered to at all times.

340. RECORDS REQUIREMENTS341. Children

R. 50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Maintain adequate enrollment, attendance, health, financial and related records in the manner prescribed and on forms provided by the Board for such purposes.

R. 50-11.1-27 Minimum Standards for Enrollee's Records.

The following information shall be kept and maintained in the records concerning each individual child enrolled in the Day Care Center and shall be updated as appropriate. Such information shall include:

The child's full name, birthdate, current home address.

The names and addresses of the parents or other persons or agencies legally responsible for the child.

Home and business telephone numbers of persons legally responsible for the child.

Names and addresses and telephone numbers of persons who can assume responsibility for the child if the persons legally responsible for the child cannot be reached immediately in an emergency.

Names and addresses of persons authorized to take the child from the Day Care Center.

A written statement from a physician or other qualified provider of health services attesting as to the child's state of health, that any known special conditions are under treatment, that the Day Care Center or its program or activities do not present problems which cannot be dealt with in a Day Care Center setting, and any other pertinent information as to the child's health. Such physicals shall be required annually so long as the child is enrolled in a day care facility.

The physician's statement shall be obtained at the time of initial enrollment of the child and shall include the results of a state approved test for tuberculosis and the results of a screening for vision and hearing. Not more than three months shall have elapsed between the date of the physical examination upon which such physician's statement is based and the date of initial enrollment. Evidence of immunization appropriate to the child's age as prescribed by North Dakota Century Code, Section 23-07-17.1 shall be maintained by the Day Care Center upon admission of any enrollee or shortly thereafter in a manner prescribed and on forms provided by the Board for such purposes.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

R. 50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Maintain adequate enrollment, attendance, health, financial and related records in the manner prescribed and on forms provided by the Board for such purposes.

If insurance is carried by the center, shall insure that parents of enrollees are given a written summary of such coverage.

Negotiate a written agreement with the parent or parents of each enrollee or potential enrollee specifying the fees to be paid and the method of payment.

R. 50-11.1-37 Minimum Day Care Center Program Requirements.

At the time of enrollment, the Day Care Center personnel shall discuss with the parents the children's habits, activities and schedules while at home and in school and their parents' special concern about their past and future behavior and development. The schedule and activities in day care shall be designed to complement and supplement the children's experiences at home and in school.

Parents shall be encouraged to visit the facility, observe and participate in the care of their children.

The Day Care Center personnel shall be responsible for contacting parents to exchange information concerning the child.

Any concerns about the health, development or behavior of any child in the Day Care Center on the part of center personnel, the administering or operating agency shall be communicated to the parent promptly and directly.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

R. 50-11.1-12 Confidentiality of Child's Records.

Information pertaining to Day Care Center enrollees shall be safeguarded and shall not be disclosed except:

In a judicial proceeding;

To parents;

To officers of the law or other legally constituted boards or agencies; or
To persons having a definite interest in the well-being of the child or children concerned and who, in the judgment of the Board, are in a position to serve their interests should that be necessary.

The Day Care Center shall have a release of information form available and shall inform the parents of enrolled children in writing of the standards regarding the disclosure of information.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

R. 50-11.1-26 Day Care Center Minimum State Staffing Requirements.

The number of staff and their utilization shall reflect program requirements, individual differences in the needs of the children enrolled, and shall permit flexible groupings where necessary.

The minimum ratio of "personal care" or program staff to children shall be:

Children less than three years of age, one staff per four children or partial group thereof.

Children three years of age, one staff per six children or partial group thereof.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

R. 50-11.1-23 Minimum Qualifications of Care Givers.

Care givers shall:

Be at least fourteen years of age, provided that any employee under age sixteen have written parental consent for such employment and the employment arrangements be in conformance with NDCC Chapter 34-07, "Child Labor".

512. Health

R. 50-11.1-23 Minimum Qualifications of Care Givers.

Care givers shall:

Be of sufficiently good health so as to be able to provide adequate care for children in a Day Care Center environment.

R. 50-11.1-25 Minimum Health Requirements for Day Care Center Staff.

All personnel employed at the Day Care Center (including the Day Care Center director) shall undergo a physical examination by a licensed physician prior to their employment. The results of the examination shall be filed in the office of the Day Care Center director and shall state whether the staff member is in generally good health and whether he or she is physically and mentally able to care for children in a day care environment. Copies of any such examinations shall be made available to the Board upon request.

The staff of the Day Care Center shall be periodically assessed as to their physical and mental competence to care for children.

All personnel, in addition to the initial physical examination described above, shall have an annual physical examination completed by a licensed physician, with a copy of all such examinations to be kept on a file in the office of the Day Care Center director.

There shall be provision for adequate substitution for staff who are too ill to function effectively or who present a serious health hazard to others in the Day Care Center.

All volunteers shall be subject to the same requirements (including health requirements) as are applicable to paid staff members.

If the Board is unable to obtain sufficient information regarding mental or emotional capabilities of the Day Care Center's personnel, the Board shall require such personnel to present evidence of such competence based on a formal evaluation; or, where appropriate, the Board shall provide such formal evaluation through its professional staff.

513. Education

R. 50-11.1-23 Minimum Qualifications of Care Givers.

Care givers shall:

Be able to read and write, and

Possess the capacity and willingness to increase skills and competence through experience, training, and supervision.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

R.50-11.1-21 Qualifications of Day Care Center Director.

The Day Care Center director of a center where less than 26 children are enrolled shall:

Be an adult legally responsible for the day-to-day operation of the Day Care Center.

Be in good mental and physical health, of good moral character, capable of mature judgement and possess knowledge and experience in management and interpersonal relationships.

522. Health

See also 512. Health

523. Education

R.50-11.1-21 Qualifications of Day Care Center Director.

In a Day Care Center where more than 26 children are enrolled, the director shall have the following qualifications (in addition to those set out above):

Bachelor or Associates Arts Degree with at least twelve semester hours in child development, child psychology, child health, or field directly related thereto; or

A high school diploma with at least three years experience in a Day Care Center, two of which involved administrative experience. (*Any director so qualified shall be encouraged to continue his or her education (where possible) by completing no less than six semester hours per year in child development or some directly related field); or

Certification as a Child Development Associate or similar status where such a local, state or federal certification program exists.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

R.50-11.1-22 Duties of Day Care Center Director.

The Day Care Center director shall, coextensive with the Day Care Center operator:

Attend any local workshop or training session designated by the Board as appropriate for Day Care Center directors.

542. Child Caregiver Staff

R.50-11.1-23 Minimum Qualifications of Care Givers.

Care givers shall:

Have had training or demonstrated ability in working with children.

R.50-11.1-24 Duties of Care Givers.

Each care giver shall:

Complete a self-evaluation periodically in the manner prescribed and on forms provided by the Social Service Board of North Dakota for such purposes.

Attend local in-service training sessions designated as appropriate by the Board.

R.50-11.1-29 Minimum Provisions Regarding Medical Care for Children.

Minimum provisions include training of all staff members to insure they are aware of the hazards of infection and accidents and how such problems can be minimized.

543. Support Staff

Not specified

542. Child Caregiver Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

R.50-11.1-37 Minimum Day Care Center Program Requirements.

A Day Care Center shall have a program for meeting the individual and group needs of the children enrolled.

The program of the Day Care Center shall be based upon the age levels of the children enrolled. It shall be flexible and subject to modification for individual child differences in the characteristics of the groups in the Day Care Center.

The program shall be varied in order to promote the physical and emotional well-being of the children, to encourage the acquisition of information and knowledge, and to foster the development of language skills, concepts, and problem solving abilities.

The daily activities for each child in the facility shall be designed to influence a positive self-concept and motivation, and to enhance his social, cognitive and communication skills.

The program shall include first-hand experiences for children to learn about the world in which they live. Opportunities shall be provided for field trips to visit places of interest in the community.

Opportunities shall be provided for individual self-expression and conversation, imaginative play and creative expression along with opportunities for vigorous physical activities.

Learning experiences shall be conducted in consultation with parents in order to insure harmony with the life style and cultural background of the children.

Punishment shall not be associated with food, rest, toilet training or isolation.

A variety of games, toys, books, crafts and other activities and materials shall be provided to enhance the child's intellectual and social development and to broaden his life experience.

The cultural diversity of the children shall be reflected in the program through incorporation of their language, food, celebration, and life styles, where appropriate.

Each child's cultural and ethnic background and primary language or dialect shall be respected by the day care personnel.

A daily schedule shall be established for each group of children in care, which shall:

- Provide regularity of program activities with sufficient flexibility to respond to the needs of individual children.

- Provide a balance of quiet and active group and individual activities.

612. Program Equipment and Materials

R.50-11.1-37 Minimum Day Care Center Program Requirements.

The amount and variety of materials and equipment available and its arrangement and use shall be appropriate to the developmental needs and interests of the children in care.

Equipment and furniture shall be durable and safe and shall be appropriately adapted for children's use.

The center shall supplement, augment, and reinforce the child's activities at home, and where applicable, at school.

613. Nap Provision

R.50-11.1-37 Minimum Day Care Center Program Requirements.

A daily schedule shall be established for each group of children which shall:

Provide that each facility includes a designated area where a child can sit quietly or lie down to rest. A nap period is provided for children who need it and for children unable to sleep, time and space for rest, and quiet play are available.

614. Discipline and Guidance

See 610. PROGRAM REQUIREMENTS

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

R.50-11.1-32 Minimum Hygiene Requirements.

The Day Care Center shall have the necessary cleaning and maintenance equipment with storage facilities therefore and appropriate procedures for regular cleaning and routine maintenance necessary to protect the health of the children and the staff.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

R.50-11.1-29 Minimum Provisions Regarding Medical Care for Children.

When health policies of the facility allow ill children to be admitted or to remain in the Day Care Center, medical consultation shall be available regarding special care and medication.

Temporary isolation in a suitably equipped area, within sight and hearing of an adult shall be provided for a child showing signs or symptoms of illness and the following procedures shall be followed when such signs or symptoms are observed:

Parents shall be notified.

First aid shall be provided as necessary and medical care shall be sought as necessary.

Accidents befalling enrollees while in care which require hospitalization shall be reported to the Board in the manner prescribed and on forms provided by the Board for such purposes.

717. Medication and Special Diet Provisions

R.50-11.1-29 Minimum Provisions Regarding Medical Care for Children.

If children in the center require medication, proper instructions as to the administration of such medication shall be given in a manner prescribed and on forms provided by the Social Service Board of North Dakota for such purposes.

Any medication prescribed by a physician shall be accompanied by the doctor's written instructions as to its dosage and storage.

All medication shall be kept in secure storage so that it is out of the reach of the children.

R.50-11.1-36 Minimum Standards for Nutrition, Food Service, Food Preparation and Food Storage.

Information provided by the children's parents as to their eating habits, food preferences or special needs shall be considered in the Day Care Center's feeding schedules and menus.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

R.50-11.1-33 Minimum Safety Requirements for Potentially Hazardous Areas on Day Care Premises.

Porches, walkways, and play areas which are elevated shall have barriers of sufficient height, strength and construction to prevent falls by children in care.

The Day Care Center shall insure that the day care program and premises minimize the risk of accidental injury.

323

Day care activities and premises shall not expose children to situations which may be hazardous to the particular age or capacity of the children.

Exterior play areas shall be well supervised at all times during which children are present therein.

Outside stairs of the center shall have safety gates or there shall be ramps to prevent small or handicapped children from falling.

The center shall provide doors of sufficient width and construction to accommodate any children in wheelchairs who are receiving care at the center.

Safety grade glass shall be used where exterior windows are clear glass less than 32 inches above floor level.

All painted surfaces accessible to children shall be free of toxic materials.

Lead paint shall not be used in redecorating. Paint coatings in buildings converted to Day Care Center use shall be checked to assure the absence of a hazardous quantity of lead.

722. Fire Safety Requirements

R.50-11J-31 Fire Inspection and Minimum Fire Safety Standards.

Any and all premises housing Day Care Centers shall be in compliance with the applicable provisions of the Life Safety Code, 1973, of the National Fire Prevention Association as published under Code Number NFPA No. 101, Section 9-7 and with other paragraphs of said Life Safety Code as are incorporated by reference in said Section 9-7.

Appendix I Section 9-7. Child Day Care Centers

9-7321. If the two exit accesses from the center enter the same corridor, as in an apartment building, the exit accesses shall be separated in the corridor by a smoke partition having not less than 1-hour fire resistance rating. The smoke partition shall be so located that there is an exit on each side of it.

9-7361. Smoke detectors shall be installed on the ceiling of each story in front of the doors to the stairways and at no greater than 30 feet spacing in the corridors of all floors containing the center. Detectors shall also be installed in lounges and recreation areas in centers. The detectors may be single station units with an integral alarm having a decibel rating of at least 85.

Exception No. 1: Detectors are not required in fully automatic sprinklered buildings.

Exception No 2: Detectors are not required in centers housing children 6 years of age and older, if no sleeping facilities are provided.

9-7362. There shall be a manually operated fire alarm system on each floor of the center. In centers with more than 100 children, the fire alarm system shall be installed to transmit an alarm by the most direct and reliable method approved by local regulations to the fire department that is legally committed to serve the area in which the center is located.

9-7363. Portable fire extinguishers suitable for Class B fires shall be installed in kitchens and cooking areas, and extinguishers suitable for Class A fires shall be installed throughout the remainder of the center.

9-7371. An area used for general storage, boiler or furnace rooms, fuel storage, janitor's closets, maintenance shops including wood-working and painting areas, laundries and kitchens, shall be separated from other parts of

the building with construction having not less than a 1-hour fire resistance rating and all openings shall be protected with self-closing fire doors, or such areas shall be provided with automatic sprinkler protection. Where the hazard is severe, both the fire-resistive separation and automatic sprinklers shall be provided.

723. Transportation

R.50-11.1-41 Minimum Standards for Provision of Transportation.

The operator shall establish a written policy governing the transportation of children to and from the Day Care Center, in a manner prescribed and on forms provided by the Social Service Board of North Dakota for such purposes. Such a policy shall specify who may pick up children from the Day Care Center and how parental permission is to be obtained for special field trips and related activities which shall occur outside the Day Care Center. When the Day Care Center provides transportation, the administering or operating agency shall inform the parents of any insurance coverage on the vehicles. Motor vehicles used to transport children enrolled in the Day Care Center shall be checked by a mechanic every 4,000 miles and evidence of such inspection shall be presented upon request to the Social Service Board of North Dakota or its agent or the parents of children enrolled.

When transportation is provided by a Day Care Center, children shall be protected by adequate staff supervision, safety precautions and liability and medical insurance.

A sufficient number of adults shall be available to assure the safety of children while being transported.

For children ages three to six, an attendant in addition to the driver shall be present if more than ten children are in one vehicle.

For children three through six, two attendants shall be present if more than twenty children are in one vehicle.

For children three through six, three attendants in addition to the driver shall be present if more than forty children are in one vehicle.

For children up to 35 months of age, an attendant in addition to the driver shall be present if more than two children are present in one vehicle.

For children 0 through 35 months of age, two attendants in addition to the driver shall be present if more than seven children are present in one vehicle.

For children 0 to 35 months, a supervision ratio of one adult including the driver to three children shall be maintained for larger groups.

No child shall be left unattended in a vehicle.

A suitable infant restraint or seatbelt shall be available for each child and shall be used whenever the vehicle is in motion.

Children shall be instructed in safe transportation conduct as appropriate to their age and stage of development.

The vehicle and driver shall be in compliance with all relevant state and local laws.

724. Safety Requirements for Equipment

R.50-11.1-33 Minimum Safety Requirements for Potentially Hazardous Areas on Day Care Premises.

All buildings, utility equipment, and playground facilities shall be located, installed, maintained and used to insure the safety of the children and staff.

725. Water Activities (Including Swimming)

R.50-11.1-34 Minimum Requirements Regarding Control of Hazardous Substances of Materials.

If swimming or wading pool areas are used by the Day Care Center, they shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

A qualified lifeguard holding a Water Safety Instructor's Certificate or equivalent rating shall be on duty at all times when swimming pools are in use, the maximum depth of which exceeds 3 feet.

In wading pools of less than 3 feet in depth, a person holding a current Red Cross Junior or Senior Lifesaving Certificate must be in attendance.

Swimming and wading pools shall be fenced in accordance with accepted safety practices to prevent accidental or chance access by children or others not entitled to use the pool or water area.

The number and ages of children using the swimming or wading pool or other water areas shall be limited at any time to allow appropriate supervision by the adult staff member or lifeguard.

The water in any such pool or wading area shall be treated, cleaned, and maintained, and other water areas shall be used in accordance with sound health practices and regulations as determined by the appropriate health authority.

All caregivers shall be familiar with water safety rules which shall be posted in a conspicuous location adjacent to the pool or wading area.

726. Emergency Procedures

R.50-11.1-29 Minimum Provisions Regarding Medical Care for Children.

Advance arrangements shall be established for the care of children who are injured at the Day Care Center or who become ill while in care. The arrangements shall be established in the manner prescribed and on forms provided by the Social Service Board of North Dakota for such purposes. The arrangements shall include:

The conspicuous posting of a chart in the Day Care Center describing first aid and emergency medical treatment techniques.

An emergency medical release signed by a legally responsible party shall be on file at the Day Care Center.

A source of emergency health services shall be readily available to the center.

There shall be a prearranged source of readily available emergency medical care - a hospital room, clinic, or other constantly staffed facility, a physician, or other health professional known to the center. Parents of enrollees shall be advised of this arrangement.

When a child is brought to another place for emergency care he shall be accompanied by an adult staff member who shall remain with the child until medical personnel assume the responsibility for the child's care.

R.50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Insure that the Day Care Center shall have sufficient staff at all times to respond quickly to an active child about to injure himself or others and to provide continuous supervision in cases where an emergency might require the temporary absence of a care giver.

R.50-11.1-30 Minimum Emergency Evacuation and Disaster Plan.

Each center shall have an approved disaster plan for the safety of the children in care in case of an emergency.

Such a plan shall be developed with aid of a fire inspector, family health consultant in case of handicapped children, the Red Cross or any other appropriate community resource.

The plan shall be in writing and evacuation drills shall be performed at least monthly.

The parents of the children enrolled shall be informed of the plan at the time of admission.

727. First Aid Supplies

R.50-11.1-29 Minimum Provisions Regarding Medical Care for Children.

Advance medical arrangements shall include:

Locating of first aid kits, approved by a local or state health authority, the Red Cross, or physician, at convenient places in the Day Care Center as may be appropriate.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

R.50-11.1-36 Minimum Standards for Nutrition, Food Service, Food Preparation and Food Storage.

Children shall be served a morning and afternoon snack, as well as a nourishing lunch if they are to be in care from the hours of 9:00 A.M. to 4:00 P.M. Furthermore:

Children in care for more than three hours during the time cited above shall receive either a snack or lunch, whichever is appropriate by the time of day.

Children in care during any normal mealtime hour shall be served food appropriate to that time of day.

Children in care in after school Day Care Center programs who have not had any food since lunch shall be provided with a snack.

Children receiving evening or overnight care shall be provided with an evening or bedtime snack.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

R.50-11.1-36. Minimum Standards for Nutrition, Food Service, Food Preparation and Food Storage.

Food supplied to children shall be wholesome, of good quality, properly prepared, sufficient in amount, varied according to diets of the children enrolled, and served at appropriate hours.

Where such services are available in the community free of charge to the Day Care Center, a dietician or other food service professional shall be used as a consultant.

Menus shall be prepared on a weekly basis and shall be printed or written in such a manner that either the parents, the Board or other appropriate persons may review them.

Children shall be served in a manner commensurate with their age using appropriate dishes and eating utensils.

Children shall be encouraged to eat the food served, but shall not be subjected to coercion or forced feeding.

Food shall not be used as a punishment or reward.

When food is prepared, served or stored in a Day Care Center, such shall be governed by the provisions of the "Food Service Sanitation Manual" of the United States Public Health Service Food Service Sanitation Ordinance and Code, Public Health Publication Number 934, Part V, as adopted and printed by the North Dakota Department of Health, Environmental Health and Engineering Services.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

R.50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Inform parents of enrolled children and other interested parties of the goals, policies, and content of the day care programs which he operates.

R.50-11.1-37 Minimum Day Care Center Program Requirements.

At the time of enrollment, the Day Care Center personnel shall discuss with the parents the children's habits, activities and schedules while at home and in school and their parents' special concern about their past and future behavior and development. The schedule and activities in day care shall be designed to complement and supplement the children's experiences at home and in school.

Parents shall be encouraged to visit the facility, observe and participate in the care of their children.

The Day Care Center personnel shall be responsible for contacting parents to exchange information concerning the child.

Any concerns about the health, development or behavior of any child in the Day Care Center on the part of center personnel, the administering or operating agency shall be communicated to the parent promptly and directly.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

R.50-11.1-38 Specialized Types of Care and Minimum Requirements Therefore.

Children shall be taken out of doors or to other areas within the facility for a part of each day to provide some change of physical surroundings and social interaction opportunities.

Children shall not routinely be left in a crib without direct adult contact for long periods of time while awake.

1120. HEALTH AND SAFETY REQUIREMENTS

R.50-11.1-38 Specialized Types of Care and Minimum Requirements Therefore.

A Day Care Center serving children from birth to 36 months shall provide an environment which protects the children from physical harm and one which is not restricted so as to inhibit physical, intellectual, emotional and social development.

There shall be an indoor area protected from general walkways within the facility where children can be on the floor at least part of the day.

Low chairs and tables or infant seats with trays shall be provided for table play and mealtime for children no longer being held for feeding. High chairs, if used, shall have a wide base and a safety strap.

Children shall never be shaken or jostled in a moderate or severe manner.

1130. INFANT NUTRITION

R.50-11.1-38 Specialized Types of Care and Minimum Requirements Therefore.

Infants shall be fed or supervised individually and their diet and pattern of feeding shall be appropriate to their individual developmental needs.

At no time shall infants be left unattended while feeding.

Prepackaged, presterilized formula shall be used for each infant's feeding, and any excess shall be discarded in a safe, sanitary manner. Any variation from this specific standard shall be approved by a local or state health official. Documentation of such approval shall be in writing, made aware to the parents, and on file with the Board.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

R.50-11.1-39 Minimum Requirements for Care of Children With Special Needs.

When children with special needs are admitted to a Day Care Center, there shall be appropriate provisions to meet those needs. The center shall document how the child's special needs shall be met in a manner prescribed and on forms provided by the Social Service Board for such purposes.

The appropriate staff of the center shall receive proper instructions as to the nature of the child's disability, potential for growth and development and his relationship to the center, family, and others around him.

R.50-11.1-20 Minimum Qualifications and Duties of Operator.

The operator of a Day Care Center shall:

Establish a written policy governing the care of children with special physical, emotional or mental needs. Such a policy statement shall include a statement of the Day Care Center's goals for such children, an outline of special day care programs available for them, staff preparation for such care, and any special health or safety factors which shall be taken into consideration in the care of such children.

1220. HEALTH AND SAFETY REQUIREMENTS

R.50-11.1-39 Minimum Requirements for Care of Children With Special Needs.

When children with special needs are admitted the responsible individual in the center shall consult with the child's parents, the child's source of professional health care, or, where appropriate, other health and professional consultants.

1230. STAFFING

R.50-11.1-39 Minimum Requirements for Care of Children With Special Needs.

Where the nature of the special need or the number of children with special needs warrants added care, the center shall add sufficient staff and equipment as deemed necessary by the Board to compensate for these needs.

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

R.50-11.1-37 Minimum Day Care Center Program Requirements.

When school age children are placed at a Day Care Center, their respective schools shall be notified by the day care operator or center director.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

R.50-11.1-33 Minimum Safety Requirements for Potentially Hazardous Areas on Day Care Premises.

Exterior spaces used by the Day Care Center shall be fenced or have natural barriers to restrict children from unsafe areas, and shall be isolated from traffic and other similar hazards so as to present a safe play area.

Exterior play areas shall be well supervised at all times during which children are present therein.

R.50-11.1-35 Minimum Requirements for Day Care Center Facilities and Operation Thereof.

The Day Care Center shall have appropriate storage and work areas adjacent to the area of use to accommodate the following if conducted on the premises:

Administrative office functions, record storage, and meeting space for parent or staff conferences.

Food preparation, service and dining.

Janitorial services.

Laundry.

Laundry facilities shall be installed and used to safeguard the health of the children.

Shall not be used during time that the children are in care unless they are inaccessible to the children.

Rest area for staff relief periods.

The Day Care Center shall have sufficient space and appropriate furniture and equipment to provide for support functions necessary to the program and to provide for the reasonable comfort and convenience of the staff and parents.

Each facility shall provide space and equipment for free play, rest, privacy, and a range of indoor and outdoor program activities suited to the children's ages and the size of the group. Minimum requirements shall include:

Adequate indoor and outdoor space for enrolled children. This shall include 35 square feet of play space per child indoors and 75 square feet of play space per child outdoors.

Separate rooms or areas for cooking and dining.

Safe and comfortable arrangements for naps for enrolled children shall be provided.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

R.50-11.1-35 Minimum Requirements for Day Care Center Facilities and Operation Thereof.

All rooms shall be properly ventilated and free of drafts with an adequate air exchange.

The Day Care Center and all rooms therein shall be properly lighted. The following technical requirements shall be used:

50-foot candles of light in drafting, typing, or sewing rooms and all classrooms used for partially sighted children;

30-foot candles of light in all other classrooms, study halls or libraries;

20-foot candles of light in recreation rooms;

10-foot candles of light in auditoriums, cafeterias, locker rooms, washrooms, corridors containing lockers; and

5-foot candles of light in open corridors and storerooms.

A temperature of between 68 degrees F and 72 degrees F to be measured at a distance no greater than six inches from the floor shall be maintained in all parts of the center used for care of children when the outside temperature is less than 55 degrees F. At no time shall such temperature be outside the range of 66 degrees F to 80 degrees F when children are in the building.

1430. EXITS

Appendix 1 Section 9-7. Child Day Care Centers.

9-721l. Each floor occupied by children shall have not less than two remote exits. All such exits shall discharge directly to the outside.

9-726l. Means of egress in each day care center shall be provided with emergency lighting, in accordance with Section 5-10.

1440. TOILETS AND LAVATORIES

R.50-11.1-35 Minimum Requirements for Day Care Center Facilities and Operation Thereof.

Drinking water shall be easily accessible to the children, and shall be provided by either an angle jet drinking fountain with mouthguard or by a running water supply with individual single service drinking cups. If fountains are used, there shall be spout to avoid contamination.

Drinking water shall be from an approved municipal service, or it shall be approved as meeting the standards of the State Department of Health. Approval of a non-municipal water source shall be in writing and on file with the Board.

Toilet and lavatory facilities shall be provided and shall be convenient to the areas used by the children and staff. Specific standards governing such facilities shall be as follows:

Water flush toilets on the order of one toilet to fifteen people shall be provided where water carriage disposal is available.

Indoor toilets shall be located in rooms separate from those used for cooking, sleeping, and eating.

Separate lavatories shall be provided for boys and girls six years of age and over, and a partition no less than five feet six inches shall separate such toilets in these lavatories.

Centers built after the effective date of these standards shall provide separate lavatories for adult personnel.

Training chairs shall be provided for use by children who require them.

Lavatories or hand washing facilities are provided in quantities commensurate with the toilet facilities.

Hot water temperatures shall not exceed 120 degrees Fahrenheit at outlets accessible to children.

Centers caring for children who are not yet toilet trained shall have both hot and cold water sources.

Diapering areas shall be separate from all other areas. Cloth diapers shall be rinsed after being soiled and stored in a sanitary air tight container until they are removed or washed.

Safe step stools shall be provided to allow standard sized toilets and lavatories to be used by the children in care. Centers built after the effective date of these standards shall have child-size toilets and lavatories.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Ohio Department of Public Welfare, State Laws Governing Child Day Care Centers and Rules for Part-Time Child Day Care Centers, September, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

5101:2-12-01 Definition of Child Day Care.

"Child Day Care" means administering to the needs of infants, preschool children, and school-age children.

"Administering to the needs of Children" means giving care, maintenance, training, and supervision such as, but not limited to, the providing of food, shelter, security, recreation, safety, and/or guidance, notwithstanding that educational instruction may or may not be given to infants, preschool children, or school-age children.

Unchartered nonpublic schools providing child day care for infant or preschool children any number of hours per day shall be subject to licensure.

"Child day-care Center" means any place in which child day care is provided for five or more infants, preschool children, or school-age children outside of school hours in average daily attendance, other than the children of the owner or administrator of the center, with or without compensation.

112. Exclusions and Exemptions

5101:2-12-01 Definition of Child Day Care.

Care given to children who are in a grade of kindergarten or above, and are cared for in a program which is owned and operated by a public school, a chartered nonpublic school or an unchartered nonpublic school in a school building, regardless of the hours care is given, shall be considered within school hours and shall be exempt from licensure.

Child day care does not include programs under the state department of education which are conducted by boards of education or by nonpublic schools which meet the standards for nonpublic schools prescribed under section 3301.07 of the Revised Code in which no infant or preschool child is in attendance for more than four hours per day;

The care of children in places of worship during religious services.

Programs operated for less than two consecutive weeks.

Public or chartered nonpublic schools which provide child day care for infant or preschool children less than four hours per day shall be exempt from licensure.

Programs conducted only during the summer vacation of the public schools if the program is owned by a public or nonpublic chartered school and conducted only during its summer vacation, caring for any number of infants, preschool, or school-age children. Such programs shall be exempt from licensure.

113. HHS Day Care Compliance

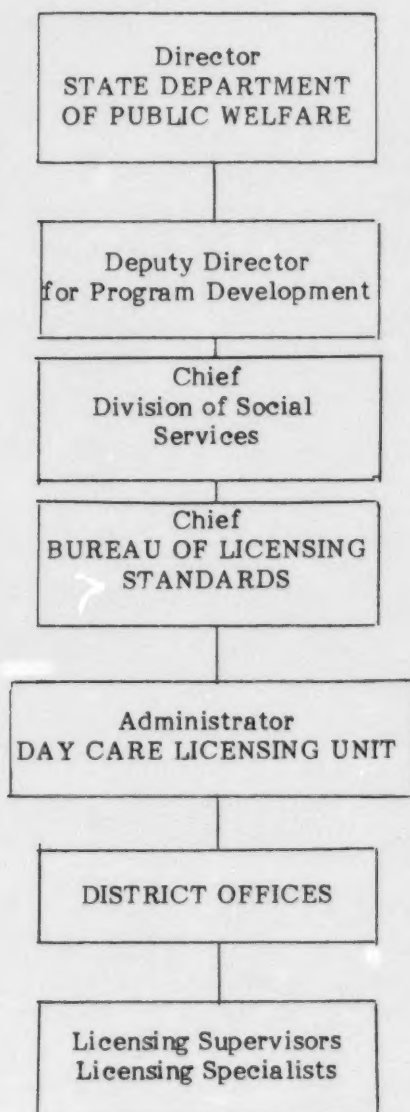
5104.07 Additional Requirements; Consulting Services; Training Programs.

The director of public welfare may prescribe requirements for licensing tax

supported or community sponsored child day care centers in addition to those included in Chapter 5104 of the Revised Code which are not in conflict with such chapter. The director shall develop standards as required by federal laws and regulations for day care programs supported by federal funds.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



The day to day licensing functions are carried out by Licensing Specialists located in each of five district offices. State central office staff provide functional supervision of the Licensing Specialists and handle issuance and revocation of licenses. Under Ohio's home rule authority, Cincinnati, Shaker Heights (a suburb of Cleveland), Cleveland, and the unincorporated village of Belpre are local jurisdictions with their own regulations. They fulfill all of the usual licensing functions, and the state has no authority over the local jurisdictions and/or facilities located within them.

122. Responsible Official

All inquiries should be addressed to:

Administrator, Day Care Licensing Unit
Bureau of Licensing Standards
Division of Social Services
State Department of Public Welfare
30 East Broad Street - 30th Floor
Columbus, Ohio 45215
(614) 466-3822

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

5104.061 Minimum Requirements for Part-Time Centers.

The director of public welfare shall adopt rules prescribing minimum standards for part time child care centers which shall constitute requirements for licensure under this chapter.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

5101:2-12-08 Application for Initial Licensure.

Every person, firm, organization, corporation, or agency planning to establish or operate a child day care center:

Shall apply for a license to the director of public welfare on such form as the director prescribes.

Shall file an application with fee for an initial license with the director. The application shall be sent by "Certified Mail." The application shall be considered to be filed with the director and shall be receipted as of the "Certified Mail" return receipt date. Any receipted application submitted without complete and/or accurate information must be amended with complete and/or accurate information before licensure.

Shall file with the initial application a plan of operation on the form prescribed by the director. The plan of operation shall serve as the center's written plan of intended compliance with the Revised Code. No initial license will be issued until a center has submitted such a plan and participated in an application taking interview with the director or his representative, except that those licensed centers which must submit an initial application due to failure to file a timely renewal application shall be excluded from these requirements.

An Initial Application and Fee:

Shall be valid only for the owner and address as specified on the application. Changes in owner or address shall require an initial application and fee to be filed with the director.

Shall be amended by the applicant without fee payment by filing a corrected application with the director in cases of change of administrator or changes in the center's name (when ownership remains the same).

Shall be considered valid for a period of not more than one year from its filing with the director.

Shall be required by any center presently licensed in case of:

"Change in ownership", change in address, or reinstatement after legal action resulting in denial or revocation of a center's previous application or license.

222. Fee Charged

5101:2-12-09 Application Fees for Licensure.

A fee of one hundred dollars shall be paid at the time of application for a license to operate a child day care center having both morning and afternoon programs and any average daily attendance of thirty or more. A fee of fifty dollars shall be paid at the time of application for a license to operate any other child day care center. A fee of twenty-five dollars shall be paid at the time of application for renewal of a license.

223. Areas of Investigation

5101:2-12-12 Examination for Compliance.

Upon the filing of an application for an initial or renewal license, the director or his representative shall examine the child day care center to determine whether or not the requirements are met.

The director shall determine that the child day care center is in compliance with all requirements by examination of:

The center's plan of operation and requested information submitted with the plan at the time of initial application or the center's compliance statement and requested information submitted with the

statement at the time of renewal application; The center's physical plant through on-site inspection and proposed operational format at the time of initial application or the center's physical plant through on-site inspection and observation of the operational format at the time of renewal application; and

Any other submitted documentation as required by rules 5101:2-12-19 to 5101:2-12-64 of the Administrative Code.

224. License Renewal

5101:2-12-10 Application for Renewal Licensure.

The director shall mail application forms for renewal of a license at least ninety days prior to the date of expiration of the license.

Every person, firm, organization, corporation, or agency wishing to renew a license:

Shall apply to the director of public welfare for renewal licensure on such forms as the director prescribes.

Shall file the application for renewal licensure not less than sixty days prior to the expiration of the center's current license.

Shall file an application with fee for renewal licensure with the director. The application shall be sent by "Certified Mail." The application shall be considered to be filed with the director and shall be receipted as of the "Certified Mail" return receipt date. Any receipted application submitted without complete and/or accurate information must be amended with complete and/or accurate information before renewal licensure.

Every person, firm, organization, corporation, or agency applying for renewal licensure shall also file with the director a statement of compliance on the form prescribed by the director. The compliance statement shall serve as the center's written statement of continued compliance with Chapter 5104 of the Revised Code.

5101:2-12-16 Issuance of Renewal Licensure.

When, after examination, investigation, and inspection, the director is satisfied that requirements continue to be complied with, a renewal license shall be issued.

Any licensed center applying for renewal licensure, after having been judged as compliant with the requirements, shall be issued a license for a period of one year from the date of expiration of the previous license.

Any licensed center, applying for renewal licensure, after having been judged as substantially noncompliant with the requirements, shall be issued a provisional license for a period of time commencing with the date of expiration of the previous license and terminating upon the date of issuance of an adjudication order by the director as the result of an administrative hearing afforded in accordance with the Revised Code.

Any licensed center applying for renewal licensure, after having been judged as compliant with the requirements, but due to extraordinary circumstances has been forced to close temporarily before a complete inspection can be made, may be issued a provisional license for a period of not more than six months.

225. Conditional/Provisional Licenses

5101:2-12-15 Issuance of Initial Provisional Licensure.

When, after examination, investigation, and inspection, the director is satisfied that all requirements are complied with, an initial license shall be issued.

A center applying for initial licensure, after having been judged not in compliance with requirements, shall be issued a provisional license for a period of not more than six months from the date of approval for the license by the Director or his representative. Any licensed center required to reapply for initial licensure solely due to the center's failure to make timely renewal application shall be excluded from this requirement.

The provisional license shall be granted to allow the center time to implement its plan for full compliance outlined in the plan of operation.

Within the six-month provisional period, the center shall be examined by the Director or his representative to determine whether the requirements are being met.

If the center's operation is judged to be in full compliance and has met all requirements prior to the end of the six-month period, the provisional license shall be amended to regular licensure at the end of the provisional period for the balance of one year.

If the center is not in compliance at the end of the six-month provisional period, the provisional license shall not be amended to regular licensure.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

5101:2-12-18 Inspection and Investigation Rights.

The Director of Public Welfare or his representative shall examine each center operating in the state.

Every person, firm, partnership, organization, corporation, or agency shall cooperate with the Director of Public Welfare or his representative, or any state or local official when performing duties required of him by Chapter 5104 of the Revised Code by:

Providing access to the premises at any time during operation.

Inspections may be conducted without prior notice.

Providing access to pertinent records upon request, or furnishing same within a reasonable period of time, not to exceed fourteen calendar days, if said records are not required to be on file at the center.

Providing any other information or documentation as is necessary to determine compliance with requirements.

232. Denial, Suspension, Revocation of a License

5101:2-12-18 Inspection and Investigation Rights.

Failure of any person, firm, partnership, organization, corporation, or agency to cooperate with the Director of Public Welfare or his representative or any state or local official when performing duties required of him by Chapter 5104 of the revised Code shall be grounds for denial or revocation of a license, pursuant to administrative hearing rights afforded by Chapter 119 of the Revised Code.

The Director shall issue orders to secure compliance with requirements. The Director may hold hearings, issue subpoenas, compel testimony, and make adjudications.

The Director may issue subpoenas for investigative purposes under Chapter 5104 of the Revised Code and Section 5101.37 of the Revised Code.

233. Remedies and Sanctions

233.1 Hearings

5101:2-12-18 Inspection and Investigation Rights.

Failure of any person, firm, partnership, organization, corporation, or agency to cooperate with the Director of Public Welfare or his representative or any state or local official when performing duties required of him by Chapter 5104 of the Revised Code shall be grounds for denial or revocation of a license, pursuant to administrative hearing rights afforded by Chapter 119 of the Revised Code.

The Director may deny an application for licensure or revoke a license of any child day care center if, after prior hearing, he finds that said center has failed to comply with regulations required by the Administrative Code. Any action to deny an application or revoke a license shall be carried out pursuant to the Revised Code.

In any hearing held by the Director which goes to the establishment of jurisdiction or the denial of an application for licensure, or the revocation of a child day care license, the issue of said hearing shall be whether the proposed action, as of the date it was proposed, was supported by substantial evidence.

Evidence proffered which relies on events which happened after the date of the Director's letter advising the center of the proposed action and tendering a prior hearing on the issue may be excluded from the hearing as irrelevant.

Hearsay testimony shall be admissible, though a proposed action supported solely by hearsay testimony shall not be considered to be supported by substantial evidence.

Action by the Director to establish jurisdiction, deny an application, or revoke existing license shall only be effectuated upon the entry of an adjudication order signed by the Director. Any party against whom an adjudication order is entered may appeal said action in accordance with Chapter 119 of the Revised Code.

233.2 Decisions

Not specified

233.3 Judicial Review and Sanctions

5101:2-12-18 Inspection and Investigation Rights.

The Director, upon determining that a center is operating without a license, shall petition the court of common pleas of the county in which the center is located for an order enjoining the owner from operating such center.

The Ohio Department of Public Welfare may petition for injunctive relief in the following instances:

Against centers operating who have not made application for licensure, or against centers operating who have made application but are operating without a license to do so.

Against centers operating after expiration of their existing license who have failed to make a timely renewal application as required by rule 5101:2-12-10 of the Administrative Code.

Against centers operating after the entry of a lawful adjudication order revoking an existing license or denying a timely filed renewal application for licensure.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

5101:2-12-13 Authorized Average Daily Attendance.

The license shall state the authorized average daily attendance for preschool and school-age children and for younger and older infants.

Limitations upon the authorized average daily attendance shall be determined by the Director according to the following criteria:

Building or fire department occupancy limitations to which the center shall adhere. The "Occupancy Limit" shall be defined as the maximum child occupancy at any one time as opposed to the average child occupancy over a period of time.

Any licensed center desiring an increase in authorization for average daily attendance shall submit to the Director or his representative written documentation to verify compliance for the authorization being sought.

357

5101:2-12-37 Two Responsible Adults On Premise.

The Center shall have at least two responsible adults available on the premise at all times when five or more children are in the center.

"Adult" means a person who is at least eighteen years of age.

One adult shall be a child care staff member. The second adult shall:

Be available within the building used for child care or in an adjacent outdoor area.

Be able to be summoned by the child care staff member without leaving the group alone or unsupervised.

Be able to react in response to such summons so as to reduce risk to children during an emergency circumstance.

There shall be on file at the center for review by the Director or his representative, a statement signed by the person acting as the second adult if this person is not an employee of the center. This statement shall be updated annually and shall state:

The times and days which the person is available within the building used for child care or in an adjacent outdoor area when five or more children are in attendance at the center.

That as the second adult, he understands that he will be summoned in case of an emergency through a specified means of communication by the child care staff member.

That as the second adult, he is able to react in response when summoned so as to reduce risk to children during the emergency situations.

5101:2-12-40 Children of Owner or Administrator.

If children of the administrator, owner, or the staff are on the premise and receive care and supervision from the child day care center employees, including their parents, the center shall meet all requirements of rules 5101:12-22 to 5101:2-12-64 and 5101:2-13-01 to 5101:2-13-03 of the Administrative Code for each child enrolled.

312. Telephone

5101:2-12-47 Safety of Children.

A child care staff member in charge of a child or a group of children shall have immediate access at all times to a working telephone within the building used for child care.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

5101:2-12-28 Mentally and Physically Able.

The administrator and every employee of a child day care center shall be mentally and physically able to carry out his duties. No child day care center shall employ a person whose physical or mental disability would prevent such person from recognizing and acting against any hazards to a child's safety and well being at the center or which would prevent such person from the substantial discharge of all other responsibilities of his position.

5101:2-12-29 Crimes Involving Moral Turpitude Or Child Abuse.

No child day care center shall employ any person in any capacity who has been convicted of child abuse or any other crime involving moral turpitude.

As used herein, "Child Abuse" shall mean a conviction involving the offense entitled "Endangering Children" codified as section 2919.22 in the Revised Code or any other substantially similar offense under an existing or former municipal ordinance, law of any other state, or the United States. At a minimum, any conviction for a crime codified as an "Offense of Violence" per division (1) of section 2901.01 in the Revised Code shall be defined as a "Crime Involving Moral Turpitude."

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

5101:2-12-31 Child's Medical Statement.

There shall be on file at the center a statement signed by the physician certifying that the child is free from communicable disease, including tuberculosis, and has had the immunizations required by statute for admission to school, or has had the immunizations required by the Department of Health for Infants.

Any child twenty months of age or older shall have completed or be "In Process" of completing the immunizations required for admission to school.

Children over two months of age but under twenty months of age shall have completed or be "In Process" of completing immunizations as required by the State Department of Health.

Any child twenty months of age or older shall have had, at a minimum, one test to verify that the child is free from tuberculosis. The date of this test shall be recorded on the Health Record required by rule 5101:2-12-46 of the Administrative Code.

5101:2-12-32 Medical Emergency Plan.

Each center shall obtain a written emergency medical authorization from the parent or guardian on or before the first day of attendance for each child enrolled after March 1, 1981, or by August 1, 1981.

The authorization form shall state the child's name, address, home telephone number, parent or guardian's work addresses and telephone numbers.

Emergency medical authorization forms completed for each child enrolled shall be on file at the center and available to the Director or his representative, upon request.

5101:2-12-46 Children's Records.

The administrator shall keep records of the children attending the center, including the name and birthday of each child; the names, addresses, working addresses, telephone numbers, and emergency contacts of each parent or guardian; and the health record and daily attendance record for each child.

In order to keep a record of an emergency contact of each parent, the center shall secure from each parent:

An address and telephone number where the parent can be contacted each day the child is in care at the center.

The names, addresses, telephone numbers and relationships to each child of at least two persons who could be contacted by the center in the event of an emergency if the parent cannot be contacted.

A written health record shall be secured from the parent on or before the first day of attendance unless otherwise required for any child enrolled after March 1, 1981, or no later than August 1, 1981, for any child attending the center prior to March 1, 1981.

The health record shall be kept on file at the center and shall include, but is not limited to:

A statement signed by a licensed physician, as required by rule 5101:2-12-31 of the Administrative Code.

Written, signed, and dated instructions from a licensed physician to administer medication, vitamins, or special diets as specified by requirements of rule 5101:2-12-36 of the administrative code.

A detailed immunization record and the date of the last tuberculin test, to include all immunizations the child has had and the dates of these immunizations.

A list of all allergies and any special precautions or treatment indicated for these allergies.

A list of any medications currently being administered to the child.

A list of any chronic physical problems and any history of hospitalization.

A list of any diseases the child has had.

The name, address, and telephone number of the child's physician or clinic.

An emergency medical authorization as required by rule 5101:2-12-32 of the administrative code.

Any written health information provided to the center by the parents after the child's enrollment shall be attached to the child's written health record.

The center shall secure and have on file for review by the Director or his representative, all children's records no later than the first day of attendance unless otherwise required. All records shall be immediately accessible at all times to the administrator or designee, as required by rule 5101:2-12-06 of the administrative code.

342. Staff

5101:2-12-30 Employee Medical Statement.

The administrator and each employee shall be examined by a licensed physician not more than thirty days before employment and annually thereafter and there is on file at the center a statement signed by the physician certifying the administrator or employee to be:

Free of communicable disease, including tuberculosis, verified either through negative skin test or by negative chest X-ray.

Physically fit for employment in a facility caring for young children.

Immunized against poliomyelitis and diphtheria. An employee may be exempted from this immunization requirement upon filing a written request with the center.

Medical statements shall bear the signature of a licensed physician. A "Licensed Physician" shall mean a person licensed to practice medicine by the state medical board or a comparable body in other states.

Medical statements for the administrator and all employees shall be on file at the center and shall be available for review by the Director or his representative, upon request.

343. Child Eligibility and Enrollment Requirements

5101:2-12-44 Preadmission Interview.

The administrator shall interview each child and his parent or guardian prior to the child's admission to the program. While the administrator has ultimate responsibility for interviewing the child and his parent or guardian, the administrator may assign the responsibility for the interview to another staff member.

After August 1, 1981, the administrator shall supply the parent or guardian with written information concerning the program and activities of the center.

The information shall include, but is not limited to:

A statement which includes the following information:

The center is licensed to operate legally;

The state department of public welfare issues the center a license which is posted in a conspicuous place for review; and

The law and rules governing child day care are available at the center for review upon request.

A statement of purposes and goals of the center.

A description of the center's program including, at a minimum:

Day and hours the center is in operation;

Ages and number of children the center is authorized to serve.

The staff/child ratio and small group sizes maintained for each age group.

A sample of the daily program schedule for each age group of children in care.

A description of the center's policies concerning:

Discipline and safety, including information required to be given to the parent or guardian by rule 5101:2-12-48 of the administrative code.

The serving of meals and snacks, including any information required to be given to the parent or guardian by rules 5101:2-12-49 TO 5101:2-12-53 of the administrative code.

Emergencies, accidents, illnesses and medications including any information required to be given to the parent or guardian by rules 5101:2-12-31 to 5101:2-12-36 of the administrative code.

Fees, registration, rebates, overtime charges, and permanent withdrawals.

The release of a child from the center to any other person other than the parent or guardian.

Parental visitation to the center, including any guidelines for visitation.

A copy of all written information required to be given to the parent or guardian during the preadmission interview shall be available for review by the director or his representative upon request.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

5101:2-12-46 Children's Records.

The children's records shall be confidential and need to be disclosed only to the director of public welfare or his representative for the purpose of administration and enforcement of chapter 5104 of the revised code.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

5101:2-12-38 Staff/Child Ratio Requirements.

The center shall provide child care staff members to give care and supervision to children. There shall be at least one child care staff member caring:

For every eight younger infants.

For every ten older infants.

For every ten preschool children (over eighteen months of age but under three years of age).

For every fifteen preschool children (over three years of age but under five years of age).

For every twenty children (aged five years or older).

412. Methods of Computing Staff/Child Ratios

5101:2-12-38 Staff/Child Ratio Requirements.

Enough child care staff members must be physically present with each group of children to maintain staff/child ratios at all times during the day. No child is ever left alone or unsupervised.

When there is a combination of ages within a group of children, the age of the youngest child shall be used in determining the staff/child ratio applicable to the group.

Current staffing information shall be maintained by the center and shall be available for review to the Director or his representative in order for the center to show compliance with staff/child ratios. The center shall maintain at the center an employee record chart which shows:

The name of each child care staff member.

The designated group of children for which each child care staff member is responsible.

Any hour(s) during which any child care staff member is engaged in child caregiving activities but not including time spent in activities such as, but not limited to, cooking, cleaning, midday break periods, or lunch breaks.

420. GROUP SIZE421. Group Size as of March, 1981

5101:2-12-39 Small Groups.

The children shall be organized in small groups to give continuity of care and supervision to the children on a day-by-day basis.

"Small Group" is defined as a given number of children assigned to child care staff member(s) who shall be responsible for the well-being of each child in the group and for meeting each child's basic needs as well as having responsibility for the activities of the small group.

Each small group shall be assigned to a room or designated area of a room as a home base even though the group may move to a number of areas in the center for daily activities.

Maximum group size at any one time during the day shall not exceed twice the maximum number of children allowed per child care staff member as required by rule 5101:2-12-38 of the Administrative Code. Enough child care staff members must be physically present at all times with each small group to maintain staff/child ratios required by rule 5101:2-12-38 of the Administrative Code.

422. Methods of Computing Group Size

5101:2-12-39 Small Groups.

When there is a combination of ages within a small group of children, the maximum group size at any one time during the day, shall not exceed twice the maximum number of children allowed per child care staff member for the youngest child within the group as required by rules 5101:2-12-38 of the Administrative Code. Enough child care staff members must be physically present at all times with each small group to maintain staff/child ratios required by rule 5101:2-12-38 of the administrative code.

Maximum group size limitations shall not be interpreted to apply during naptimes, lunch times, outdoor play periods, field trips, or special occasions except that the center shall meet the requirements of rule 5101:2-12-57 of the Administrative Code at all times.

Enough child care staff members must be physically present at all times with each small group to maintain staff/child ratios required by rule 5101:2-12-38 of the Administrative Code.

There shall be on file at the center, to be available for review by the Director or his representative, current information to show compliance with organizing children in small groups and continuity of care and supervision of children. This information shall include:

- A record of daily attendance for each child enrolled beginning with his first day of attendance at the center.

- A record of daily attendance for each small group of children kept by the person responsible for that group. This record shall be kept on file for at least three months and shall specify:

- The names of children in the group;

- The age range of the children in the groups;

- The name of the child care staff member responsible for the group's care;

- The designated space used as home base by the group.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See 311. General Administrative Requirements

512. Health

See 342. Staff

513. Education

5101:2-12-42 Qualifications of Child Care Staff Member.

Any child care staff member employed after December 31, 1971, shall have at least a high school education or shall have completed a training program approved by the State Department of Public Welfare or Education or the Bureau of Employment Services.

There shall be on file at the center for review by the Director or his representative evidence to verify each child care staff member's high school education. Evidence shall be:

A copy of a high school diploma or transcript of a high school curriculum recognized by the State Department of Education as equivalent to a high school education; or

A copy of a certificate verifying passage of a test of "General Educational Development" recognized by the State Department of Education as equivalent to a high school education; or

A copy of other written evidence accepted by the Director or his representative as evidence of completion of a high school education.

The training program to be completed in lieu of a high school education shall be the course developed by the home economics section, division of vocational education, Ohio Department of Education, and approved by the State Department of Education, State Department of Public Welfare, and Bureau of Employment Services.

The course shall be known as "Child Care Job Training Program for Adults."

Eight courses, or one hundred sixty hours, shall be completed.

Of the eight courses, five courses or one hundred hours shall be required, and three courses or sixty hours shall be elected by the student.

There shall be on file at the center for review by the Director or his representative, certification issued by the State Department of Education confirming the completion of course hours.

Any person who was employed as a child care staff member by the same employer and/or at the same center prior to December 31, 1971, and has been continually employed thereafter, shall be exempted from the requirement of a high school education or completion of a training program.

The center shall submit written evidence to the Director or his representative verifying the child care staff member's employment by the employer prior to December 31, 1971, and continually thereafter.

Evidences submitted to the Director may take the form of, but are not limited to:

An affidavit from the employer;

Employment records from the employer; or

The center's state licensing record including a list of employees at the center.

No other person shall be considered to be a child care staff member except a vocational child care training program student as qualified by rule 5101:2-12-43 of the administrative code.

5101:2-12-43 Vocational Child Care Training Program.

A child care staff member may include a student enrolled in the second year of a vocational child care training program, approved by the state board of education and which leads to high school graduation.

A student shall be in the second year of a two-year vocational child care program or a senior who has completed a one year in-school child care program and is presently enrolled in a multi-area program, child care section of a vocational home economics program.

"A student enrolled in the second year" means a student who has received a minimum of five hundred forty clock hours laboratory and related instruction in child care in the junior year prior to the second year of a training program.

The student shall perform his duties in the child day care center under the continuous supervision of an experienced child care staff member.

"Continuous Supervision" shall mean:

Another child care staff member shall be on the premises, in the building used for child care or in an adjacent outdoor area, at all times a student is responsible for the care and supervision of a group of children.

The student shall not perform the duties of the second adult on the premises as required by rule 5101:2-12-37 of the Administrative Code unless the student is at least eighteen years of age.

The student shall receive periodic supervision from the vocational child care training program teacher-coordinator in his high school.

There shall be on file at the center for review by the Director or his representative a signed statement from the teacher-coordinator of the vocational child care program which states:

The student is in the second year of a vocational child care training program, as defined herein.

The student is receiving periodic supervision from the person specified as the student's teacher-coordinator.

There shall also be on file at the center a copy of the student's training plan and training program as developed by the teacher-coordinator of the vocational child care program.

5101:2-12-34 Persons Trained in First Aid.

A person trained in first aid by a doctor or a nurse or having completed a course in first aid which is approved by the State Department of Health shall be readily available at all times the center is in operation.

A "Person Trained in First Aid by a Doctor or a Nurse" means that the person has been trained by a licensed physician or a registered nurse in procedures essential to the safety and well being of children.

The student shall also meet the requirements of rules 5101:2-12-28, 5101:2-12-29, and 5101:2-12-30 of the Administrative Code.

Such training shall include, at a minimum:

Recognition and management of childhood communicable disease.

Recognition and emergency management of:

Bleeding;

Burns;

Poisoning, including over medication;

Anaphylaxis;

Respiratory distress, including choking;
Musculo-skeletal injury;
Convulsions;
Wounds including animal and insect bites;
Sudden illness including fever, rash, vomiting;
Hyper and hypoglycemia;
Loss of consciousness;
Head injury; and
Shock.

Review of the center's written emergency medical plan as required by rule 5101:2-12-32 of the Administrative Code.

A person trained in First Aid shall be readily available on the premise, within the building used for child care or in an adjacent outdoor area and can be summoned by the child care staff member without having to leave the group unsupervised.

A person trained in first aid shall be available to the children at all times including outings away from the center and at such times that children are being transported under the care and supervision of the center.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 311. General Administrative Requirements

522. Health

See 342. Staff

523. Education

5101:2-12-41 Administrator Qualifications.

The administrator shall have at least a high school education.

The administrator's high school education shall be verified by providing to the Director or his representative:

A copy of a high school diploma or transcript of a high school curriculum recognized by the State Department of Education as equivalent to a high school education, or

A copy of a certificate verifying passage of a test of "General Educational Development" recognized by the State Department of Education as equivalent to a high school education; or

A copy of other written evidence accepted by the Director or his representative as evidence of completion of a high school education.

A copy of the administrator's qualifications verifying completion of a high school education shall be on file with the Department of Public Welfare.

An administrator employed or designated after December 31, 1971, shall have completed at least two years of training in an accredited college, university, or technical college, including courses in child development, or shall have at least two years experience in supervising and giving daily care to children attending an organized group program including at least two years of such experience in working with the age level children for which he will have the responsibility.

For administrators employed on or after March 1, 1981, "Two years of educational training" shall mean the completion of ninety quarter credit hours or sixty semester credit hours in an accredited college, university, or technical college as verified by transcripts of credit hours earned from the institutions.

Any administrator employed on or after March 1, 1981, shall verify his educational training to the director or his representative.

For administrators employed on or after March 1, 1981, "Courses in Child Development" shall mean completion of a minimum of at least six semester credit hours or nine quarter credit hours from an accredited institution in courses in the growth, development, and/or behavior of children ages birth to twelve years of age.

In those instances in which the director or his representative is unable to ascertain from a transcript whether course work proffered as a course in child development is, in fact so, the director or his representative shall require that the person seeking approval of his course work provide written evidence from the institution where the credits were earned which demonstrates that the content of the course work qualified the course as a course in child development.

Less than two years of educational training may be combined with less than two years of experience to meet the qualifications for administrator if, in combination, educational training and experience equal at least the equivalent of two year's total time.

One month's work experience shall be considered to be equal to 2.5 semester credit hours or 3.75 quarter credit hours.

Courses in child development shall not be required when any work experience is used to meet the qualifications of administrator.

524. Experience

5101:2-12-41 Administrator Qualifications.

For administrators employed on or after March 1, 1981, "two years of experience" shall mean experience supervising and giving care to an organized group of children of any age from birth to not more than twelve years of age for a minimum of twelve hours per week during a minimum of twenty-four calendar months.

Care of one's own children cannot be counted as meeting the requirements of two years of experience.

Any administrator employed on or after March 1, 1981, shall verify his experience by providing an affidavit from past employers, or from other documented evidences available. Copies of these verifications shall be on file with the Department of Public Welfare.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

377

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

5101:2-12-24 Quiet and Active Play.

The center shall provide each day for both quiet and active play suitable to the age levels and abilities of the children under care.

The center shall devise and implement a program of activities suitable to the age levels and abilities of the children under care. A copy of the program schedule for each age group shall be made available for evaluation to the director or his representative. The director or his representative shall also observe this program for each age group.

The center's program shall be evaluated for compliance by the director or his representative by the following criteria:

The program shall include outdoor play each day as required by rules 5101:2-12-23 and 5101:2-13-03 of the Administrative Code. In extremely inclement weather, the program shall provide an opportunity for indoor gross motor play such as, but not limited to, climbing, jumping, running, or riding wheel toys.

The center shall provide durable furniture, such as tables and chairs, for the purpose of implementing this program. This furniture shall be child sized or appropriately adapted for use by children.

Play materials to be used in the center's program shall be arranged in an orderly manner so that children may select, remove, and replace play materials with a minimum of assistance during appropriate times throughout the daily program.

The program shall include a balance of both quiet and active play throughout the day. The quiet and active play shall be reflected in the written program and upon actual observation of the program.

612. Program Equipment and Materials

5101:2-12-25 Equipment.

The center shall make available to the children play materials and equipment for the purpose of providing both quiet and active play suitable to the age levels and abilities of the children attending the center.

Equipment, materials, and furnishings provided for both indoor and outdoor play shall be sufficiently varied and adequate to meet the developmental needs of the children and for the total number of children for which the center is authorized to serve. Each center shall have enough play materials and equipment so that, at any one time in the daily program, each child the center is authorized to serve can be involved in play with appropriate equipment or materials.

The center's equipment and materials shall be available for review by the director or his representative.

Adequate equipment and materials shall be available and representative of the following categories for each age group specified.

Preschool-age Children

Art supplies;
Blocks and transportation toys;
Language arts materials;
Dramatic play materials;
Gross motor equipment;
Manipulative materials and equipment;
Musical equipment;
Science-Nature materials; and
Sensory motor equipment.

School-age Children

Art supplies;
Manipulative materials and equipment;
Sports and gross motor equipment;
Science-nature materials;
Language arts materials; and
Dramatic play materials.

Infants

Dramatic play materials;
Language arts and auditory equipment;
Sensory perceptual motor materials;
Manipulative materials and equipment; and
Gross motor activities.

613. Nap Provision

5101:2-12-26 Cots.

Individual firm and sanitary cots shall be provided for each preschool child.

A "cot" shall be defined as a narrow bed made of washable material. The bottom of the cot's sleeping surface shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child well, but shall be resilient under pressure. The cot's material shall be easily disinfectable. Each cot shall be at least thirty-six inches in length.

Cots shall be assigned individually to each child by a system devised by the center. Cots shall be sanitized before reassignment for use by another child.

Cots shall be regularly and thoroughly cleaned with an appropriate germicidal detergent in addition to being sanitized before assignment to another child. Spray aerosols shall not be used for cleaning and sanitizing cots.

When in use, individual cots are positioned so as not to block required fire evacuation routes, so that each child has a free and direct means of egress, and so that child care staff members have a clean pathway to each cot.

No child is permitted to sleep on the floor.

A "Naptime Program" shall be defined as any period of time in the daily schedule when children are expected to rest and sleep.

There shall be a cot available for each preschool child the center is authorized to serve whether or not the child participates in a naptime program, except that preschool children enrolled in a part-time program shall be provided a cot only as required by rule 5101:2-13-02 of the Administrative Code.

If the use of a cot is considered hazardous to an individual child, the center may provide an alternative plan in writing for the naptime program for the child. This plan shall be acceptable to the child's parent or guardian and to the director or his representative. The center shall have on file a statement from the parents which verifies acceptance of the alternative plan.

614. Discipline and Guidance

5101:2-12-48 Discipline of Children.

A child care staff member in charge of a child or a group of children shall be responsible for their discipline.

The center shall have a written discipline policy describing the center's philosophy of discipline and the specific methods of discipline used at the center. This written policy shall be on file at the center for review by the director or his representative.

The center's actual methods of discipline shall be restricted as follows:

There shall be no cruel, harsh, or unusual punishments.

No discipline technique shall be delegated to any other child.

No physical restraints shall be used to confine a child.

No child shall be placed in a locked room.

No child shall be humiliated or subjected to profane language or other verbal abuse.

Discipline shall not be imposed on a child for failure to eat, failure to sleep, or for toileting accidents.

Techniques of discipline shall not unnecessarily humiliate, shame, or frighten a child.

All child care staff members shall receive a written description of the center's discipline policy for review before or upon employment if employed after March 1, 1981, or by August 1, 1981, if employed prior to March 1, 1981.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

5101:2-12-31 Child's Medical Statement.

Each child attending the center shall be examined by a licensed physician within thirty days of the time of admission and annually thereafter.

Each child's medical statement shall bear the signature of a licensed physician. A "Licensed Physician" shall mean a person licensed to practice medicine by the state medical board or a comparable body in other states.

The "Date of Admission" shall mean the first day the child is enrolled in and attends the center for any period of time.

713. Immunizations

See 342. Children

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714. Sanitation

5101:2-12-27 Safe and Sanitary Furniture, Materials, and Equipment.

The center shall provide furniture, materials, and equipment which are sanitary.

Toilet tissue, toweling or air dryers, and soap shall be provided in each restroom area and shall be available to all children.

If potty chairs are used, they shall not be located in areas used for food preparation or serving or in areas not normally used for diaper changing. Potties and toilets shall be cleaned at least once daily or as needed using an appropriate germicidal detergent. Potties shall be emptied, rinsed with water, and dried after each use. Cloths used for cleaning potties shall be disposed of or laundered daily.

Equipment, furniture, and materials shall be cleaned with soap and water when soiled.

Blankets and/or sheets belonging to the center and used by the children shall be laundered at least every other week or more often if soiled. If a blanket and/or sheet is used by a different child, it shall be laundered between uses.

Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.

The facility shall be cleaned daily and kept in a sanitary condition at all times.

Equipment, furnishings, and materials shall be constructed of materials to facilitate cleaning and shall be kept clean and in good repair.

715. Daily Illness Screening

5101:2-12-35 Management of Communicable Disease.

A person trained to recognize the common signs of communicable disease or other illness shall observe each child daily before he enters a group. "A person trained to recognize the common signs of communicable disease" means any person trained in first aid as required by rule 5101:2-12-34 of the administrative code.

716. Care of Sick Children

5101:2-12-32 Medical Emergency Plan.

The center shall have a written plan to cover medical emergencies.

The medical emergency plan shall be posted by each telephone used by the center and in at least one classroom used by the children at the center. The medical emergency plan shall state, at a minimum, the following information:

The location of the first aid kit.

The current emergency telephone numbers for the emergency squad, the fire department, the hospital, the poison control center, and the police department.

The names of staff trained to administer first aid.

The location of children's medical records.

The location of children's records required by rule 5101:2-12-46 of the Administrative Code.

General instructions to staff in case of emergency, including the supervision of children during the emergency.

General instructions to staff in case of illness of children.

The medical emergency plan shall include plans for using the services of a physician or hospital and include plans for transportation of the child to the source of medical assistance, if necessary.

Each center shall set its own policy regarding the admittance of children to the center whose parents refuse to grant consent for emergency medical treatment.

If a child is in need of medical assistance at a source away from the center and the center has obtained consent from the parent or guardian to seek medical treatment for the child, the child's records as required by rule 5101:2-12-46 of the Administrative Code shall be transported to the source of medical assistance with the child.

5101:2-12-25 Management of Communicable Disease.

After August 1, 1981, each center shall have a written policy concerning the management of communicable disease within the center. This policy shall be available to the parent as required by rule 5101:2-12-44 of the Administrative Code and to the director or his representative, upon request. The policy shall include, at a minimum:

The recognition of the following signs of illness:

Temperature of one hundred degrees fahrenheit taken by axillary method;

Skin rash other than a localized diaper rash;

Diarrhea and/or vomiting two or more times in the same day; and

Evidence of lice infestation.

The center's policy on dealing with the child who shows any signs of illness and delineation of specific signs and action to be taken by the center in response to these signs including the procedure of discharging a child who is suspected of illness.

The location of the communicable disease chart.

The center's policy on readmittance to the center and child who has been discharged to the parent due to illness.

Any child who is suspected of having a communicable disease shall be isolated immediately in a space set aside for isolation and care of a sick child.

Upon identification of a child suspected of illness, a room or portion of a room not being used for child care shall be set up as an isolation area and shall be used for care and isolation of the sick child.

The sick child shall be provided with a cot and blanket for use until he is discharged to his parent. The cot shall be sanitized with an appropriate germicidal detergent upon the discharge of the child. The blanket shall be promptly removed and laundered before being used by another child.

An adult shall be within sight or hearing of a child who is isolated due to illness. No child is ever left alone or unsupervised.

A child who becomes ill during the day shall be discharged to the care of his parents as promptly as possible. If the parent or guardian is not able to come to the center to take charge of an ill child, the center may discharge an ill child to the person who has been designated by the parent to take charge of the child.

717. Medication and Special Diet Provisions

5101:2-12-36 Administration of Medications, Vitamins, or Special Diets.

No medication, vitamin, or special diet shall be administered unless instructions to administer such items are written, signed, and dated by a licensed physician, and are prescribed for a specific child.

"Medication" is defined as any substance or preparation which is used for the purpose of prevention or treatment of a wound, fracture, injury, infirmity, or disease.

"Special diet" is defined as any diet eliminating the use of any one of the four food groups or altering the amount of food required to be served to meet one-third of the recommended daily dietary allowance as required by rule 5101:2-12-51 of the Administrative Code.

The center shall secure written instructions signed by the licensed physician in one of the two following ways:

Written instructions signed by the licensed physician shall be secured on the form prescribed by the Department of Public Welfare for each medication, vitamin, or special diet to be administered.

A medication or vitamin shall not be administered for any period of time beyond the expiration date verified by the physician or three months, whichever comes first. A special diet shall not be administered for any period of time beyond the expiration date verified by the physician.

Written instruction forms shall be signed by the physician and refiled with the center for administration of each medication or vitamin which continues to be administered longer than three consecutive months or for each special diet which continues to be administered beyond expiration date on prescribed form.

A prescription label which contains for each medication or vitamin, at a minimum the child's name, a current date (within the last three months), an exact dosage to be given, the specific number of dosages to be given daily, and the route of administration.

The prescription label shall be attached to the original container for each medication or vitamin.

Prescription labels which do not contain a specified number of dosages to be given per day but instead contain the instructions "to be given as needed" shall not be considered written instructions from a physician and must be accompanied by the prescribed form if it is to be administered by the center.

The center shall also secure written, signed instructions from the parents on the prescribed form for any medication, vitamin, or special diet.

The child care staff member responsible for administering medication or vitamin shall verify administering the medication or vitamin by completing the prescribed form each day medication or vitamin is administered.

The prescribed form signed by the licensed physician and parent shall be kept on file at the center for a period of one year following administration of the medication and shall be available for review by the director or his representative upon request.

Each medication or vitamin which does not have a prescription label on the container shall be identified by the parent with a label affixed to the medication's container. The label shall state the child's name, current date, name of medication, dosage and times to be given, and routes of administration. This labeling shall be required in addition to the form prescribed for administration of medication.

In cases of extreme emergency, center personnel may administer Syrup of Ipecac to a child without written instruction from a physician if following verbal instructions of the poison control center or a licensed physician.

718. Waiver of Health Requirements

See 342. Children

720. SAFETY

721. General Safety Requirements

5101:2-12-47 Safety of Children.

A child care staff member in charge of a child or a group of children shall be responsible for their safety.

The center shall have a written safety policy describing the safety guidelines to be followed at the center. This written policy shall be on file at the center for review by the director or his representative.

The center's safety policies shall include, at a minimum the following regulations:

No child shall ever be left alone or unsupervised.

A policy governing arrival and departure of children to assure that a child care staff member is aware of each child's presence at the center.

Immediate access at all times to a working telephone within the building used for child care.

A monthly fire drill, at varying times each month.

A plan posted which explains action to be taken and staff responsibilities in case of fire emergency and weather alerts.

A plan for safety whenever children are transported by vehicle away from the center on field trips, including the following requirements:

A first aid box shall be available on the trip which meets the requirements of rule 5101:2-12-33 of the Administrative Code.

A person trained in first aid shall be available on the trip who meets the requirements of rule 5101:2-12-34 of the Administrative Code; and

Each child on the trip shall have identification attached to himself containing the child's name and the center's name, address, and telephone number.

All child care staff members shall receive a written description of the center's safety policies for review before or upon employment if employed after March 1, 1981, or by August 1, 1981, if employed prior to March 1, 1981.

Outdoor play surfaces shall be maintained daily and shall be kept free of hazards and debris.

Lawn mowers, hedge clippers and other similar machinery shall not be used in the outdoor play area when children are present.

Climbing apparatus which is placed over concrete, asphalt, or blacktop shall not be used by children unless the hard surface below and around the climber has been covered by some protective material, such as, but not limited to, sand, wood chips, or mats.

Any pet or animal shall be permitted if it presents no apparent threat to the safety or health of the children. All pets shall be properly housed, cared for, and inoculated. Verification of inoculations shall be on file at the center for each pet requiring such inoculations.

Electrical outlets within the reach of children shall have appropriate protective coverings when not in use.

Space heaters shall not be used in any child day care center, unless approved by the building and/or fire official having jurisdiction in the area.

If electrical fans are used, they shall have protective coverings, shall not be easily tipped over, and shall be placed so that they are not hazardous to children.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

See 716. Care of Sick Children

722. Fire Safety Requirements

See 721. General Safety Requirements

723. Transportation

See 721. General Safety Requirements

724. Safety Requirements for Equipment

5101:2-12-27 Safe and Sanitary Furniture, Materials, and Equipment.

The center shall provide furniture, materials, and equipment which are safe.

Equipment, materials, and furnishings shall be sturdy and safe, easy to clean and maintain, and free of sharp points or corners, splinters, protruding nails, loose or rusty parts, paint which contains lead or other poisonous materials, or other hazardous features as determined by the director or his representative.

Furniture, equipment and materials which are not usable due to breakage or hazards shall be removed immediately and either repaired or discontinued from use.

Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and preschoolers who are under the age of three years.

Cleaning equipment, agents, aerosol cans, or other chemical substances shall be stored in their original containers and/or clearly labeled and stored in a space designated for the storage of such items and shall be inaccessible to children.

Stationary outdoor equipment such as, but not limited to, climbing gyms, swings, or slides, shall be placed out of the path of the main traffic pattern in the yard and shall be securely anchored unless portable by design.

The date of the last review of supplies shall appear on the outside of the box.

Supplies shall be replaced as they are used.

The first aid box shall be available to the director or his representative for review, upon request.

A first aid box shall be available for use at all times including outings away from the center and at such times that children are being transported under the care and supervision of the center.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

5101:2-12-49 Menus.

Current menus for the entire week shall be posted in a conspicuous place at the center and shall reflect all foods to be served by the center; any substitute foods served shall be from the same basic food group and shall be recorded on the posted menu.

5101:2-12-50 Children to Be Served a Meal.

A meal which meets the requirements of rule 5101:2-12-51 of the Administrative Code shall be served to any preschool or school-age child who is in attendance entirely through the hours of eleven a.m. and one-thirty p.m., inclusively.

5101:2-12-51 Nutritional Requirements of Noon Meal.

Any child who is in attendance between the hours of eleven a.m. and one-thirty p.m. shall be served a meal which constitutes one-third of the child's recommended daily dietary allowances, including foods from all four basic food groups, and reflecting the developmental stage of the child.

727. First Aid Supplies

5101:2-12-33 First Aid Supplies.

First aid supplies shall be readily available at all times the center is in operation.

Each center shall have at least one first aid box which is a closed, but unlocked container accessible to child care staff members at all times and kept out of the reach of children.

Each first aid box shall contain, at a minimum:

One roll of one-half-inch nonallergenic adhesive tape.

One roll of two-inch gauze roller bandage.

Ten, three-by-three- or four-by-four-inch, sterile individually wrapped gauze squares, dated.

Twenty-five, one-inch adhesive (bandaid) compresses.

Three clean cotton towels or sheeting, approximately twenty-four by thirty-six inches.

One pair of scissors.

Assorted sizes of safety pins.

One flashlight.

One thermometer.

Two, one-ounce bottles of Syrup of Ipecac, dated.

One tablespoon (for administering syrup of Ipecac).

Supplies shall be reviewed and replaced regularly.

Sterile supplies not used after one year shall be removed and replaced. Syrup of Ipecac shall be replaced upon expiration as dated on the bottle.

One-third of the recommended daily dietary allowances shall be prepared and served as most recently specified by the "Food and Nutrition Board, National Research Council, National Academy of Sciences, Washington, D.C., 20418." The food prepared shall be in quantities reflecting the developmental stage of the child and the most current recommendations published by the "United States Department of Agriculture, Washington, D.C., 20250".

One food from each of the four basic food groups shall be served in a quantity to meet one-third of the recommended dietary allowances. The four basic food groups are:

Meat (protein equivalent) group. Total amounts may be met by either one protein source or a combination of sources in amounts equivalent to the total required amount.

Vegetable/fruit group. A food source of vitamin C shall be served daily and a food source of vitamin A shall be served two or three times per week either at the noon meal or for snack. Additional fruits and/or vegetables shall be served in the required amounts at the noon meal regardless of the center's service of such fruits and/or vegetables for snack.

Whole grain/enriched group. Cakes, cookies, donuts, and pastries are not included in this group unless the main ingredient is a whole or enriched grain.

Milk group. Regular milk shall be vitamin D fortified; skim or dry powdered milk shall be vitamin A and vitamin D fortified.

Individual food servings may be varied according to the developmental needs of the individual child being served, but additional servings shall have been prepared in order to meet one-third the recommended daily dietary allowance for each child served.

There shall be on file at the center food preparation records maintained for a minimum of four weeks which shall be available for review by the director or his representative. These records shall include:

Menus which reflect quantities of all foods which were served by the center.

A record of ingredients from the four basic food groups which were used to prepare mixed food recipes, such as, but not limited to, spaghetti, macaroni and cheese, soups or stews.

The total number of children served daily.

5101:2-12-52 Snacks.

The center shall serve each child in attendance for more than four hours per day a minimum of one snack which provides nutritional value in addition to calories during the longest between meal period. A "Nutritious Snack" means a snack which contains at least one food from one of the four basic food groups.

5101:2-12-53 Food Provided by Parent.

If the center's policy on food preparation and service permits, parents may provide food for the child's meals and snacks if the center meets the following requirements:

The center shall secure a valid food service license permitting the preparation and serving of food or an exemption from food service licensure as required by rule 5101:2-12-21 of the Administrative Code.

The center shall have supplemental foods from all four basic food groups on the premise. Supplemental food which is needed to fulfill one-third of the child's recommended daily dietary allowances shall be served to each child if food brought to the center by the child does not meet the requirements of rule 5101:2-12-51 or 5101:2-12-52 of the Administrative Code.

The center shall provide all parents written nutritional information concerning the quantities of food needed to be served to meet one-third of the child's recommended daily dietary allowance.

The center shall have a plan for storage of food which meets the requirements of chapter 3732 of the revised code, and any relevant regulations adopted by the Public Health Council.

There shall be on file at the center for review by the director or his representative a copy of all written information provided to parents concerning nutritional criteria for the noon meal or snacks.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

82L Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

5101:2-12-45 Parental Visitation.

The parent or guardian shall be permitted access to all parts of the center at the time of preadmission interview for their child.

The parent or guardian of a child enrolled in a center shall have access to those areas of the center where child care is being provided at any time during the center's operation.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

5101:2-12-57 Units of Infants.

Each small group containing younger infants shall be divided into units of no more than eight infants. Each unit of eight infants shall be assigned to at least one child care staff member who shall be primarily responsible for the well-being of each child in his unit and for meeting each child's basic needs. There shall be no more than sixteen cribs in the sleeping area of each small group containing younger infants. Each small group containing younger infants shall meet the requirements of rules 5101:2-12-39 and 5101:2-12-55 of the Administrative Code.

5101:2-12-63 Infant Caregivers.

The same child care staff member(s) shall be assigned on a regular basis to care for each group of infants.

The working assignment of each child care staff member shall be available as required by rule 5101:2-12-38 of the Administrative Code.

5101:2-12-64 Infant Daily Program.

Each infant assigned to a crib shall be removed from his crib for all feedings and removed from the crib at other intervals during the day for individual attention.

No younger infant shall be placed in his crib with a bottle for feeding.

Each infant assigned to a crib shall be allowed to safely and comfortably sit, crawl, toddle, or walk, and play according to his stage of development, in a designated space apart from sleeping quarters each day.

The sleeping quarters shall be set apart from play space so that the children will not have access to the sleeping area for play activities.

The center shall devise and implement a program of activities suitable to the age levels and abilities of the infants under care. The director or his representative shall also observe this program.

Provisions for outdoor play shall be offered according to the infants' stage of development. Outdoor play space shall meet the requirements of rule 5101:2-12-23 of the Administrative Code.

Equipment and play materials in sufficient quantities shall be available as specified by rules 5101:2-12-25, 5101:2-12-26, and 5101:2-12-61 of the Administrative Code.

1120. HEALTH AND SAFETY REQUIREMENTS

5101:2-12-26 Cots.

No child is permitted to sleep on the floor.

An infant may be provided with a cot for naptime in lieu of a crib if requirements of rule 5101:2-12-60 of the Administrative Code are being met.

5101:2-12-55 Space Used for Infants.

Infants shall receive care in a room or rooms apart from rooms used to care for older children.

"Room" shall be defined as space defined by floor-to-ceiling walls or permanent partitions attached to the building and in use for the primary purpose of defining the space.

After August 1, 1981, the room or rooms used for the care of infants shall provide at least thirty-five square feet of indoor floor space for each infant for whom the center is authorized to care. This space shall be exclusive of rooms used for care of preschool or school-age children.

Younger infants may be cared for in a group with older infants but may not be cared for in a group which contains any other age child.

Older infants may be cared for in a group with preschool age children (over eighteen months but under three years) but may not be cared for in a group which contains any child over three years of age.

Children cared for in a group of younger or older infants shall be cared for in rooms apart from other children.

Caregiving apart from other children shall include but is not limited to caregiving in the outdoor play area, the dining area, the toileting area, the large muscle play area, or in the classroom at arrival and departure times.

If at any time groups of children containing younger or older infants are using space sometimes used by older children, the space must be exclusively for the infants' use.

Children over three years of age who require the use of diapers due to a developmental delay or other impairment may, if center policy permits, be grouped for care with children of their own chronological age if the center meets the requirements of rules 5101:2-12-58 and 5101:2-12-62 of the Administrative Code in rooms in which these children are enrolled. Staff/child ratios shall be based on chronological age of the youngest child in the group.

5101:2-12-56 Infants Cared for on First Story of Building.

Infants shall receive care only on the first story as defined in the "Ohio Building Code Chapter BB-57," unless approval of other arrangements is secured from the official responsible for inspection under rule 5101:2-12-20 of the Administrative Code.

Approval for use on a story other than the first story shall be annually approved by the official responsible for inspection under rule 5101:2-12-20 of the Administrative Code. The annual fire approval form prescribed by the department shall indicate the story approved for infant care, if other than the first story.

5101:2-12-58 Handwashing Facilities in Infant Areas.

Handwashing facilities shall be available within the room or rooms designated for infant care.

The availability of the handwashing facilities shall ensure that staff/child ratios required by rule 5101:2-12-38 of the Administrative Code are maintained at all times.

"A handwashing facility" is defined either as a portable or permanent type fixture with running water.

All employees shall wash their hands with soap and running water after changing diapers or toileting a child and before feeding any child. Individual paper towels or an air hand dryer shall be available at all times.

5101:2-12-61 Cribs.

Each younger infant shall be provided with a separate crib.

There shall be one crib available for each younger infant for which the center is authorized to care.

By August 1, 1981, each younger infant for which the center is authorized to care shall be provided with a crib which meets the regulations of this rule.

By August 1, 1981, each older infant for which the center is authorized to care shall be provided with either a cot which meets the requirements of rule 5101:2-12-26 of the Administrative Code or a crib which meets the regulations of this rule.

Each crib shall be labeled with each infant's name who is assigned to use the crib.

Cribs shall be for the exclusive use of each individual child between sanitations. Cribs shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment to another child.

Spray aerosols shall not be used for cleaning and sanitizing cribs.

Cribs shall be defined by size as follows:

"Porta Crib" shall mean a crib which has an interior dimension smaller than forty-nine and three-fourths inches (plus or minus five-eighths inch) in length, twenty-six and five-eighths inches (plus or minus five-eighths inch) in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than twenty-two inches.

After August 1, 1981, porta cribs with dimensions less than thirty-six inches in length and twenty-four inches in width shall not be used by children in the center.

After August 1, 1981, only children under thirty inches tall shall be assigned to use a porta crib.

"Full sized crib" shall be defined as a crib which has an interior dimension greater than fifty-one inches (plus or minus five-eighths inch) in length and twenty-seven and seven-eighths inches (plus or minus five-eighths inches) in width. With the mattress support in its lowest position and the crib side in its highest position, the verticle distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than twenty-six inches.

After August 1, 1981, cribs with dimensions less than those specified for a full sized crib shall be considered to be a porta crib.

After August 1, 1981, only children under thirty-five inches tall shall be assigned to use a full sized crib. Children over thirty-five inches tall shall be assigned to use a cot.

Each crib shall be of sturdy construction, with closely spaced bars.

By August 1, 1981, spaces between the bars of the crib and between the bars and end panels of crib shall not exceed two and three-eighths inches.

Stacked cribs shall be prohibited for use by children.

By August 1, 1981, mesh cribs, playpens and bassinets of any type shall be prohibited for use by children during any naptime period.

Each Crib Shall Have a Firm Mattress.

By August 1, 1981, the space between the mattress and the side of the crib or the end panels of the crib shall not exceed one and one-half inches.

The mattress shall be firm, at a minimum, one and one-half inches thick.

Each mattress shall be securely covered with a waterproof material which is not dangerous to children.

Each mattress shall have clean crib sheets which are changed at least weekly, or more often as necessary. If a crib is used by more than one child, the crib sheet shall be changed whenever another child uses the crib.

Cribs shall be spaced apart from each other by a minimum of two feet on all sides.

1130. INFANT NUTRITION

5101:2-12-59 Infant Formula.

If a formula is prepared by the Center, it is prepared in conformity with written instructions from the parent or guardian or the physician in charge of the infant.

Any formula prepared by the center shall be prepared by one of three techniques approved by the Department of Health commonly known as the terminal heating method, the aseptic method, or the single bottle method.

Before preparing formula, the center shall wash thoroughly all equipment to be used with hot water and detergent followed by a thorough rinsing in hot running water.

Any formula to be stored at the center for any period of time, whether prepared by the parent or guardian or the center, shall be labeled with the child's name and date of preparation.

Until used, all formula shall be refrigerated immediately after preparation by the center or upon arrival if prepared by the parent or guardian except for commercially prepared formula bottled so as not to require refrigeration until after opening.

5101:2-12-60 Infant Food.

Infants shall be served food in conformity with written instruction from the parent or guardian, or the physician in charge of the child.

If infant food is provided by the parent or guardian, it shall be labeled with the child's name and immediately refrigerated, except for commercially prepared food canned so as not to require refrigeration until after opening.

If the parent or guardian does not provide instructions for service of food to their child, the infant shall be served a diet consisting of foods from all four food groups in sufficient amounts to meet their recommended daily dietary allowances as required by rules 5101:1-12-50, 5101:2-12-51, and 5101:2-12-52 of the Administrative Code.

Infant food shall be prepared and served in a manner appropriate to the developmental needs of each individual child according to his stage of development.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

5101:2-12-22 Indoor Floor Space.

The center shall have, for each preschool child, school-age child, and infant for whom the center is licensed, at least thirty-five square feet of indoor floor space wall-to-wall regularly available to the day care operation.

"Wall-to-wall floor space" shall be defined as the total space in each area exclusive of interior walls.

After August 1, 1981, space assigned exclusively for the care of infants, as required by rule 5101:2-12-55 of the Administrative Code, may not be utilized to meet the space requirements for preschool and school-age children.

5101:2-12-23 Outdoor Play Space.

The center shall provide an opportunity for supervised outdoor play each day in suitable weather.

Staff/child ratios required by the rule 5101:2-12-38 of the Administrative Code shall be maintained at all times children are using the outdoor play area, including going to and coming from the play area to the classroom area. No child is ever left alone or unsupervised.

When a group of children are outdoors, the child care staff member responsible for the group shall be able to summon another adult without leaving the group alone or unsupervised.

The play area shall be supervised so that all children are visible to the child care staff member at all times.

The center shall plan a daily outdoor play period for each preschool or school-age child. Outdoor play shall be shown as a part of the program schedule required by rule 5101:2-12-24 of the Administrative Code.

The center shall have on-site or easily and safely accessible a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards.

The surface of the outdoor play area shall be drained well enough so that standing water does not prohibit the use of the play area on a daily basis.

The play area shall be free of hazards such as, but not limited to, broken glass, potholes, garbage, flammable materials, and other debris.

The play area shall be well defined by a fence, hedge, natural or other barrier to protect the area from traffic, animals, or other hazards.

The outdoor play area shall provide at least sixty square feet of usable space per child using the play area at any one time, regardless of the number of children for which the facility is authorized to serve.

If an area, such as a park or playground, not connected with the center is used for play or recreation, the children shall be closely supervised both during play and while going to and from the area. Such a park or playground shall meet all requirements of these rules.

5101:2-12-54 Exclusive Use of Space.

If living quarters are located in the same building as the child day care center, or the building is shared by other persons or groups, the portion of the building to which the children from the center have access is used only for child day care during the hours the center is in operation.

The portion of the building to which the children from the center have access other than entry ways, hallways, restrooms, or other areas normally available for use by the public shall be for the exclusive use of persons from the child day care center during the hours the center is in operation.

Persons other than those persons from the child day care center may be allowed access to those portions of the building used for child day care which are referred to as areas normally open to the public such as, but not limited to, entry ways, hallways, restrooms, if such access does not constitute a risk or hazard to the health and safety of those children in child day care as determined by the director or his representative. The written approval of the director or his representative for multiple use of areas normally available for use by the public by persons other than those persons from the child day care center shall be on file at the center.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

5101:2-12-20 Fire Approval.

The center shall secure a fire inspection and written approval.

The state fire marshal or the certified fire safety inspector of the municipal corporation or township in which the center is located has inspected the center within the preceding year and has found the center to be free of conditions dangerous to the safety of children.

The securing of a fire inspection and approval shall be verified by written documentation of said approval of the form prescribed by the Department of Public Welfare. Said approval shall be a prerequisite for licensure. The form shall be signed and dated by a certified fire safety inspector having jurisdiction over child day care centers in the area in which the center is located.

Fire inspection and approval shall be obtained in the following circumstances:

Upon initial application for licensure.

At the time of any major modification or alteration of any existing structure presently being used for a child day care center but prior to the continued use of modified or altered parts of the structure for child day care purposes.

Prior to the use of any parts of the structure not previously inspected and approved for use for child day care as required by rule 5101:2-12-19 of the Administrative Code.

Annually within the preceding licensing year but prior to the expiration of the center's existing license.

1530. BUILDING

5101:2-12-19 Building Approval.

The child day care center shall secure a building inspection and written approval.

The buildings in which the center shall be housed, subsequent to any major modification have been approved by the Department of Industrial Relations or a Certified Municipal or County Building Department for the purpose of operating a child day care center.

The securing of a building inspection and approval shall be verified by written documentation of said approval on the form prescribed by the Department of Public Welfare. Said approval shall be a prerequisite for licensure. The form shall be signed and dated by the building department official having enforcement authority over child day care centers in the location in which the center is located.

Building inspections and approvals shall be obtained in the following circumstances:

Upon initial application for licensure.

At the time of any major modification or alteration of any existing structure presently being used for a child day care center but prior to the continued use of modified or altered parts of the structure for child day care purposes.

Prior to the use of any parts of the structure not previously inspected and approved for use for child day care.

1540. HEALTH

5101:2-12-21 Food Service Licensure.

The center has received, from the Board of Health of the Health District in which it is located or the State Department of Health, a current license permitting the preparation or serving of food.

Prior to licensure, each center preparing or serving food shall provide verification that the center possesses:

A food service license permitting the preparation or serving of food; or

A written statement on the form prescribed by the Department of Public Welfare from the Health Official having jurisdiction in the area the center is located which states that the center is exempt from food service licensure.

The securing of a food service license or exemption from licensure shall be obtained as required by the Health District having jurisdiction in the area in which the center is located.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

See 1530. BUILDING

Except where otherwise noted, all citations are from the Oklahoma Standards for Day Care Centers.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions.

OKLA. STAT. Tit. 10, §402 Definitions.

The term "child" or "minor" when used in this act shall mean any person who has not attained the age of eighteen (18).

The term "child care facility" when used in this act shall mean any public or private institution, child placing agency, foster family home, group home, day care center, or family day care home, providing either full-time or part-time care for children away from their own homes, and which is owned or controlled by a political subdivision, a corporation, an unincorporated organization or association, or individual.

The term "day care" as used in this act shall mean the provision of care and supervision of a child who resides in its own home or with relatives but is in the care of another person for part of the day who is conducting a family day care home or persons conducting a day care center. A "family day care home" means a licensed or approved family home which provides care and protection for five or less children for part of the twenty-four hour day. A "day care center" means a licensed or approved facility which provides care and protection of six or more children for a part of the twenty-four hour day.

112. Exclusions and Exemptions

OKLA. STAT. Tit. 10, §402 Definitions.

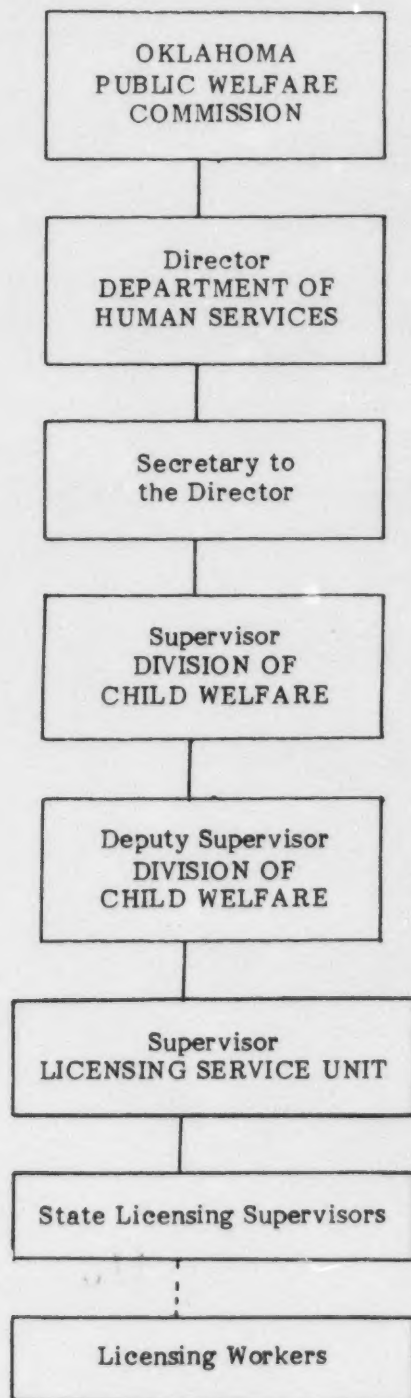
These definitions of family day care home and day care center do not include informal arrangements which parents make independently with neighbors, friends, and others, caretakers in the child's own home, and do not include nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

OKLA. STAT. Tit. 10, §403 Exemptions from application of Act.

The provisions of this act shall not apply to licensed hospitals, maternity homes, to schools under the supervision of the Department of Education, the home of a child maintained by his parent, stepparent, grandparent, brother, sister, uncle or aunt.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

Licensing is a state administered and state supervised activity in Oklahoma. Licensing workers are outstationed in 19 headquarters offices throughout the state and have responsibility for the day to day licensing function. They are supervised by the State Licensing Specialists who also provide them with consultation and training. Licenses are issued and revoked at the state central office level. There is a home rule ordinance which allows local municipalities to license day care facilities in addition to the state.

122. Responsible Official

All inquiries should be addressed to:

Supervisor, Licensing Service Unit
Division of Child Welfare
Department of Human Services
Box 25352
Oklahoma City, Oklahoma 73125
(405) 521-3561

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

OKLA. STAT. Tit. 10, §404 Minimum requirements and desirable standards.

The Department shall prescribe and publish such rules and regulations establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of this act.

Such rules and regulations shall not be made, prescribed, or published until after consultation with the Departments of Health and Education, and the State Bureau of Investigation or other agency performing the duties of State Fire Marshal, provided that not less than sixty days' notice by ordinary mail shall be given to all current licensees before any changes are made in such rules and regulations.

In order to improve the standards of child care, the Department shall also advise and cooperate with the governing bodies and staffs of child care facilities and assist the staffs thereof through advice of progressive methods and procedures and suggestions for the improvement of services.

212. Advisory Body and Other Community Participation

OKLA. STAT. Tit. 10, §404 Minimum requirements and desirable standards.

The Department shall appoint advisory committees of representatives of child care facilities and others to prepare minimum requirements and desirable standards for adoption by the Department, provided that a majority of any committee appointed to prepare requirements and standards for institutions and homes shall be representatives of voluntary, nonprofit child care institutions and homes. These standards shall include requirements for a constructive program and services to meet the needs of each child and family; staff of good moral character and ability for child care; adequate and safe housing, sanitation, and equipment; good health care; full educational and religious opportunities; good community relationships; essential records and administrative methods; and sufficient funds for sound operation.

220. LICENSING PROCEDURE221. Application and Issuance

Introduction

No Child Care Facility may be operated or maintained after June 30, 1964, unless licensed by the Department of Human Services of the State of Oklahoma.

An application for a license shall be made on forms provided by the Department and in the manner prescribed. All licenses shall be in force for one year from date of issuance and shall be reissued annually on application.

In order to provide care for children in a Child Care Facility, a license shall be obtained from the Department of Human Services which is issued on the basis of meeting minimum standards essential for the health and welfare of the child or children placed for care.

The license granted applies to the ownership and the location specified at the time of licensing. If either changes, the Department must be notified and the license returned. The license is not transferable. When a facility is closed or sold it must meet current standards.

The number of children specified on the license shall be the maximum number of children being cared for in the facility at any one time.

The license of the day care center shall be prominently displayed on the premises of the day care center. No unlicensed center can advertise as licensed.

No claims as to standards of care or specialized service shall be made or placed in advertisements unless the center has staff members who are professionally qualified to offer such specific services.

222. Fee Charged

Not specified

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

See 221. Application and Issuance

225. Conditional/Provisional Licenses

Introduction.

A provisional license may be issued to any applicant whose services are needed but who is temporarily unable to conform to all the rules and regulations of said Department.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

OKLA. STAT. Tit. 10, §406 Investigations and visitations.

The Department shall have authority at any reasonable time to investigate and examine into the conditions of any child care facility in which a licensee hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.

The Department of Health may visit any licensee at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care. The State Bureau of Investigation, or other agency performing the duties of State Fire Marshal, may visit any licensee at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings for their care.

232. Denial, Suspension, Revocation of a License

OKLA. STAT. Tit. 10, §407 Revocation of license or refusal to renew.

The Department may revoke any license of a child care facility, in case the licensee shall have violated any provision of this Act. No license shall be revoked or renewal refused unless the holder of such license shall have been given at least thirty (30) days' notice in writing of the grounds of such proposed revocation or refusal. If such revocation or refusal is protested within thirty (30) days of receipt of said notice by writing addressed to the Commission, said Commission, or its authorized agency, shall conduct a hearing at which an opportunity is given to said licensee to present testimony and confront witnesses. Notice of such hearing shall be given to said licensee by personal service or by delivery to the proper address by registered mail, at least two (2) weeks prior to the date thereof. If notice of the proposed revocation or refusal is not so protested, the license may thereupon be revoked or renewal thereof refused.

233. Remedies and Sanctions233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

OKLA. STAT. Tit. 10, §408 Appeals.

Any licensee aggrieved by the decision of the Department may, within ten (10) days after the revocation or refusal to issue or renew the license, take an appeal de novo to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

The Department shall, within ten (10) days of the service of such notice, file with the clerk of said court a transcript of the proceedings had before it. The district court shall thereupon be vested with jurisdiction to hear and determine the questions of law and fact involved, as in an appeal de novo; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee prevails, the judgement of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or refusing renewal of the license or the granting thereof shall be stayed. In any action, suit, or proceeding under the act, the Department shall be represented by the Attorney General of the State of Oklahoma.

OKLA. STAT. Tit. 10, §409 Injunction.

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a county attorney.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Introduction.

The words "shall" or "must" when used in these Standards indicate minimum requirements; the words "should" or "recommend" are used to indicate desirable or recommended standards.

I Organization

A day care center may be sponsored by public or private groups or by individuals. It may be operated by public or private community organizations, parent organizations, or private ownership.

A statement defining the purpose or function of the day care center shall be filed with the Department. Such statement shall include maximum number of children accepted, age or age level, degree of retardation or other handicap or disability, hours of operation, type of care and services offered.

The voluntary day care center shall operate under a governing board responsible for the development of policies and the establishment and maintenance of sound financial structure. If the day care center is incorporated, a copy of the Articles of Incorporation shall be filed with the Department. A voluntary day care center operates on a tax exempt status.

The owner of a proprietary day care center shall be responsible for the policy and financial structure of the proprietary center. A proprietary day care center operates on a taxable status.

The public day care center is created and exists by act of the state, county, city or other political subdivision. The operation remains under the control of a governmental agency. The public agency operates on a tax exempt status.

Director means the person responsible for the day to day operation of the center (owner, manager, lead teacher, etc.).

The director of a day care center must:

Maintain a facility which meets the minimum standards set forth.

Maintain current child record cards, attendance records for children, attendance records for staff, staff health records, staff information sheets and documentation of staff training.

Accept responsibility for screening staff to determine that they meet minimum requirements set forth.

Make available to staff members a copy of the current state standards upon employment.

Staff with children means those persons responsible for the direct care of children.

Auxiliary personnel means cooks, building custodians or other personnel who provide indirect services to children.

There shall be adequate personnel to carry out the necessary clerical, housekeeping and maintenance responsibilities without neglecting the direct care of children.

No other business or child care service shall be carried on in the day care center during the time child care is provided by a licensee other than those for which day care licenses are issued.

The total licensed capacity of a day care center is determined by separately computing the capacities for indoor space, outdoor space and bathroom facilities. The licensed capacity shall not exceed the lowest computed capacity for any one of these three.

The maximum number of children being cared for by the facility at any one time shall not exceed the number of children specified on the license.

Under no circumstances shall a center agree to keep a child for more than 24 continuous hours.

Any day care center which operates on a round-the-clock basis may be required to meet other construction standards required in State Adopted Codes, as determined by State Fire Marshal Inspection. This type facility must submit plans to the State Fire Marshal for any new construction addition, alteration, or major remodeling.

312. Telephone

IV Physical Facilities and Equipment - Safety and Sanitation.

The day care center shall have a direct line telephone located within the center. The telephone must be operable at all times for both incoming and outgoing calls.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment.

I Organization.

The director of a day care center must have no conviction of a morals charge, physical violence, or child abuse.

The staff with children must have no conviction of a morals charge, physical violence, or child abuse.

Auxiliary personnel must have no conviction of a morals charge, physical violence or child abuse.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

XVII Records.

Child's records must be kept on forms provided by the Department or on any forms containing the same information. These are:

Identification and health record, including:

the child's name and date of birth, name of parent(s), home address, business addresses, phone numbers

the name and address (home and business) of a responsible person to contact in an emergency if parent(s) cannot be located promptly

permission of parent(s) authorizing emergency medical care

name of person(s) permitted to call for the child

health record

immunizations record

name, address, and telephone number of physician to call in an emergency

date of acceptance and withdrawal from the day care center

Medication/Transportation permission

Daily attendance records for each child.

342. Staff

XVII Records.

Staff records must be kept on forms provided by the Department and submitted to the Department on request. These records are:

Staff information sheets, including:

name, age, address and telephone number

training, education and experience

references

date of employment and date of separation

Daily attendance records for each staff member.

Staff health records, including:

Report of an annual tuberculin test and a chest x-ray if indicated

Report of a physical examination by a duly licensed physician in the state of Oklahoma shall be required by the Department for each person working in a day care center who is unable to perform her normal duties or if there is evidence that she has a physical, mental or emotional problem. If a question exists, the licensing worker can request this.

The day care center shall have orientation policies.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

II Staff - Director.

The director of a day care center must report a child showing evidence of abuse to the Department of Human Services.

345. Confidentiality of Records Requirements

OKLA. STAT. Tit. 10, §406 Investigations and Visitations.

Information obtained by the Department or Division from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications and shall be properly safeguarded and shall not be accessible to anyone except as herein provided unless upon order of a court of competent jurisdiction.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

II Staff - Staff - Child Ratio.

An adult staff member shall be present, both indoors and outdoors, at all times with each group of children. Provisions shall be made for a substitute adult staff member in the absence of regular staff.

When the total number of children present exceeds 24 and/or when children are grouped by age group, the following guide for grouping and staff ratio will be used to determine compliance with standards.

Infants in cribs—at least 1 staff member to 4 children.

Toddlers (Approximate age 10 months to 2 years)—at least 1 staff member to 6 children.

2 years up to but not including age 3—at least 1 staff member to 8 children.

3 years up to but not including age 4—at least 1 staff member to 12 children.

4 years up to but not including age 6—at least 1 staff member to 15 children.

6 years and over—at least 1 staff member to 20 children.

When children of two or more ages are grouped together ages shall be averaged to determine the proper staff ratio.

A minimum of 2 staff must be present in the facility at all times. When the maximum licensed capacity is 16 or less, there must be 1 staff present and a reliable substitute to be called in for emergency.

412. Methods of Computing Staff/Child Ratios

II Staff - Staff - Child Ratio.

There must be staff present with the children to correspond with the chronological age and grouping of the children present.

Persons below the age of 16 may not be counted toward meeting the staff - child ratios.

Persons age 16 to 18 may be counted toward meeting staff - child ratios provided an adult staff member is present and in charge of that group of children. Use of persons 16 to 18 as staff must be filed with the Department annual application.

Persons age 15 3/4 to 18 years may be counted toward meeting the staff ratios providing such persons are presently enrolled in a child care training program and an adult is present in the center. An adult staff member cannot be responsible for more than two (2) staff members 15 3/4 to 18 years of age.

Mixed ages

When the total number of children present is 24 or less and children of all ages are (mixed) together, the following requirement for grouping and staff ratio will be used to determine compliance with standards. There shall be at least 1 staff member to 8 children. No more than 2 of these 8 children shall be under 2 years of age or children who require special care.

Auxiliary Personnel

Auxiliary personnel may not be counted as staff with children while they are performing their auxiliary functions.

420. GROUP SIZE421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratios as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See 412. Methods of Computing Staff/Child Ratios

512. Health

II Staff - Staff With Children.

The staff must annually provide documentation that he or she meets the health, education and training requirements set forth in the standards.

The staff with children must maintain annual evidence that he/she is free of T.B.

513. Education

II Staff - Staff With Children.

Staff hired after February 1, 1981, must be high school graduates or have an equivalent of education and experience — substitute 1 year of experience in group care of preschool children for 1 year of high school with maximum substitution of 2 years or be a student 15 3/4 to 18 years of age and enrolled in a child care training program.

514. Experience

II Staff - Staff With Children.

The staff with children must:

Be able to work with children without recourse to physical punishment or psychological abuse.

Demonstrate good judgment and use appropriate authority in working with children.

Recognize and act against hazards to physical safety both indoors and outdoors.

Possess basic knowledge of:

accident prevention measures

first aid techniques

use of fire extinguisher

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

II Staff - Director.

The director of a day care center must maintain annual evidence that he/she is free of T.B.

523. Education

II Staff - Director.

The Director of a day care center employed after February 1, 1981, must have one of the following educational and experience qualifications:

Be a high school graduate or its equivalent, plus 3 years satisfactory experience in related educational, early childhood or day care programs, or;

Be certified as a Child Development Associate with 1 year experience in early childhood or a day care center, or;

Have a Bachelor or Associate Arts degree with at least 12 semester hours in child development or directly related field, or;

Be a high school graduate and have successfully completed recognized training in early childhood development as approved by the Child Care Advisory Committee.

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

II Staff - Auxiliary Personnel.

Auxiliary personnel must:

Be able to read and write.

Demonstrate knowledge and skills necessary to their job assignments.

Maintain annual evidence that he/she is free of T.B.

Meet requirements of staff with children, if he/she is responsible for direct care of children for any part of the day.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

II Staff - Director.

The director of a day care center must complete a minimum of 4 clock hours training per year. This training can be workshops, seminars, college classes, etc.

Each director of a center shall acquire a minimum of four (4) clock hours of training per year in administrative areas.

EXCEPTION: Each director that is counted toward meeting staff/child ratio shall equally divide their training emphasis between administrative and child caring areas.

542. Child Caregiver Staff

II Staff - Staff - Child Ratio.

Staff ratio may be reduced during naptime only to provide (a) opportunity for in-service training in the facility and (b) attendance at workshops outside the facility. All absences for training must be documented.

Staff with children must complete a minimum of 4 clock hours training per year. This training can be workshops, seminars, college classes, etc.

III Staff Training.

Each person that is counted toward meeting the staff/child ratio in the center shall be required to participate in a minimum of four (4) clock hours of training in child care, child development, early childhood or other child care related subjects per employment year.

Documentation of all training is the responsibility of the director. Upon employment, each staff shall be provided orientation to include:

Familiarizing the staff with the day care center standards.

Familiarizing staff with employees responsibilities regarding:

Children arrival and departure procedure.

Fire prevention and evacuation plan.

First aid.

How to identify and handle a sick child.

Mandatory reporting of child abuse.

Discipline and guidance plan.

Handling problem children.

Program.

Minimum equipment and its availability to children.

Outdoor play time.

Rest and napping.

Meals and snacks.

Any special health, nutrition, or developmental needs of children assigned to the caregiver.

Guidance for toileting.

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

VIII Program.

A day care center shall provide a balanced program of opportunities for learning, indoor and outdoor play, rest periods and meals.

Guides which will aid in providing opportunities for learning in both indoor and outdoor activities are:

Plan the program with the age and interest of the children involved.

Good programs do not just happen. Planning according to children's interest, equipment, time of day and weather shall be given consideration in the total day's activities.

Play is the most important way in which children learn and time for play shall be planned for both indoor and outdoor activities.

When planning a flexible program, whether indoors or outdoors, there shall be a variety of activities that help children learn about themselves and their world. Children may choose not to participate in a specific activity, therefore, a day's program shall include other activities for these children.

A schedule of the programs shall be posted and followed with reasonable regularity.

612. Program Equipment and Materials

V Equipment.

All equipment must be complete, clean and maintained in good working condition.

When the number of children in an age group increases by 25 percent, 50 percent or 75 percent of the number defined in that age group, additional equipment shall be provided by the same ratio.

Children's play space, indoors and outdoors shall contain equipment of appropriate size and type to meet the child's developmental needs. Indoor and outdoor play equipment shall be maintained in a safe and sanitary condition, and provided in quantities proportionate to the maximum number of children for which the center is licensed.

613. Nap Provision

IV Physical Facilities and Equipment - Indoor: Spaces for Children's Activities.

Adult size cots shall be provided for any child over 3 1/2 feet tall.

Cots shall be provided with pillow and water proof pad or mattress when children remain over night. Two sheets and a pillow case shall be on each cot. Additional cover shall be available. Bottom sheets shall be properly secured.

Arrangements for rest shall be provided. There shall be an individual cot or bed with individual bedding for each child who remains more than five consecutive hours in the day care center. Cots shall be covered and be maintained in a sanitary condition at all times. Cots and/or beds shall be arranged in an alternating head-foot position and spaced at least two feet apart.

614. Discipline and Guidance

XI Behavior and Guidance.

All staff shall:

Recognize and encourage acceptable behavior.

Teach by example and use fair and consistent rules in a relaxed atmosphere with discipline that is relevant to the behavior exhibited.

Supervise with an attitude of understanding and firmness.

Give clear directions and provide guidance on the child's level of understanding.

Restrain children firmly if behavior is such to harm self, others, or destroy property.

Redirect children by stating alternatives when behavior is unacceptable.

Speak in such a way that children understand that they are acceptable but their action or behavior is unacceptable.

Help children to understand why their conduct is unacceptable and what is acceptable in a given situation. Encourage children to control their own behavior, cooperate with others and solve problems by talking things out.

Communicate with children by showing an attitude of affection and concern and give them an opportunity to talk out their feelings. Speak in a calm way with a kind tone of voice. Teach children to consider how others feel by having their feelings understood.

Give guidance in activities in an orderly fashion. Provide a range of interesting planned activities and allow some choice; help children to feel successful at a task and give the options of other tasks they can complete if the one chosen proves too difficult.

Prepare the children for the next activity a few minutes ahead and allow them to wind down from one activity before beginning another activity.

Guide children with concern and understanding.

All staff shall not:

Subject children to punishment of a physical nature such as shakings, striking, spanking or cruel treatment.

Subject children to punishment of a psychological nature such as humiliation by derogatory or sarcastic remarks about himself or his family, harsh or profane language or actual or implied threats of physical punishment.

Treat children in a punitive manner or shame them when they urinate or have a bowel movement in their clothes.

Punish and/or reward children in association with food, rest or toilet training.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

XVIII Food Service/Sanitation - Personnel.

Persons, while infected with or a carrier of any disease in a communicable form, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall not work in any capacity in any area of food service.

All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

Employees shall wash their hands thoroughly in an approved handwashing facility before starting work, and as often as may be necessary to remove soil and contamination.

Employees shall wash their hands after visiting the toilet room before resuming work.

712. Health Assessments

XII Health Program.

In accordance with state law parents shall be required upon admission of their child to a day care center to submit to the director a statement certifying the date of the last physical examination, immunization record, a listing of special health needs and the name of the child's physician.

713. Immunizations

XII Health Program.

Required immunizations are: Polio, Diphtheria, Whooping Cough, Tetanus, Measles (Rubeola) and German Measles (Rubella).

714. Sanitation

IV Physical Facilities and Equipment - Safety and Sanitation.

Parents shall provide night clothes and a tooth brush for a child spending the night at the center.

Provisions shall be made for bathing and tooth brushing. During bathing, privacy shall be ensured for school-age children.

The day care center shall be free from vermin infestation, and be free from hazards.

XVIII Food Service/Sanitation - Sanitary Facilities and Control.

Each day care center shall be provided with adequate conveniently located toilet facilities for its employees, which may be the same facilities as those used by the children. Toilet facilities shall be kept in good repair and clean condition. Toilet tissue shall be provided. Waste containers shall be provided.

Kitchen sinks shall not be used for hand washing purposes. Hand washing facilities shall be provided and conveniently located for employees. Such facilities shall include a lavatory or lavatories equipped with hot and cold or tempered running water, and cleansing soap or detergent, and approved sanitary towels or other approved hand drying devices. Such facilities shall be kept clean and in good repair. If tempered valve is used, the temperature should not be set above 105 degrees.

Facility Floors, Walls, Ceilings, Lighting, Ventilation and Housekeeping - Floors.

The floor surfaces in all rooms or areas in which food is stored or prepared, shall be of smooth, non-absorbent materials. They shall be so constructed as to be easily cleanable and kept in good repair.

Walls and ceilings in areas in which food is prepared, or utensils or hands are washed, shall be kept in good repair and easily cleanable. They shall have washable surfaces up to the highest level reached by splash or spray.

All parts of the establishment and its premises shall be kept clean, neat and free from litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food contact surfaces.

Soiled linens, coats and aprons shall be kept in suitable containers until removed for laundering.

Live birds or animals shall not be allowed in any area used for food service operations.

The water supply shall be adequate, of a safe sanitary quality and from an approved source. Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

All sewage shall be disposed of in a public sewerage system, or in the absence thereof, in a manner approved by the health authority.

Plumbing shall be so sized, installed and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an unsanitary condition or nuisance.

All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, non-absorbent containers which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use. The containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises.

Each container shall be thoroughly cleaned each time it is emptied.

Safe, effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

Animals kept on the premises must be in accordance with local ordinances.

Animals may be kept on the premises only when the health and safety of each animal can be reasonably assured.

Animals kept on the premises must be maintained in a state of good health and free of diseases communicable to humans.

Written evidence must be provided at least annually that each animal (except fish) has been examined by a licensed veterinarian. The exam shall include vaccinations and/or preventive health care for communicable diseases.

Areas of confinement must be cleaned of excrement daily. Animals must be maintained in a visibly clean manner.

Animals must be restricted from areas where food is stored and from other food areas while food is being prepared and/or served.

Parents of children who have contact with animals shall be made aware by written notice that animals are kept on the premises.

715. Daily Illness Screening

XII Health Program.

Any child showing symptoms of illness shall be separated from the group and if his appearance warrants, parents or the child's physician shall be notified. Each center shall inform parents upon enrollment of their child the policy regarding ill children.

A child showing evidence of abuse shall be reported to the legal authority, the Department of Human Services.

716. Care of Sick Children

IV Physical Facilities and Equipment - Safety and Sanitation.

The day care center shall provide a room or space in which children who become ill can be separated from other children.

717. Medication and Special Diet Provisions

XII Health Program.

When a child needs medication, parents or guardians shall sign an authorization for the director to administer each medication. The parent or guardian shall bring the child's medicine. No prescription medications shall be given except the medication being administered as a part of a prescribed therapeutic treatment.

All medication provided must be clearly labeled with the child's full name and directions for the proper amount (dosage) and time to be administered.

All medications shall be kept in a safe place and out of children's reach. In order to avoid duplication, the responsibility of giving and properly recording each child's medication shall be assigned to one person on duty.

718. Waiver of Health Requirements

XII Health Program

When a child's health record is not readily available the parent or guardian or other person presenting the child for admission to a day care facility shall certify in writing that procedures for obtaining such records are in process.

A child shall be exempt, from the provisions of this act upon receipt of written statement by the parent or guardian objecting to required immunizations because of religious or other reasons.

720. SAFETY721. General Safety Requirements

IV Physical Facilities and Equipment - Safety and Sanitation.

The day care center shall:

Maintain walls free from holes, peeling paper and paint.

Maintain floors free of broken tile, torn carpet and holes.

Maintain windows and doors free of broken glass and/or other hazards.

Maintain window and door screens to minimize entry of insects.

Provide self closing apparatus on all screen doors and storm doors.

Be clean and sanitary at all times.

Not allow smoking, except in designated areas, which are not accessible to children, or used for food preparation and service.

XIX Fire Safety Standards. - Emergency Lighting.

Corridors and all other means of exit in each new day care center shall be provided with emergency lighting. Emergency lights shall operate without manual intervention on failure of normal electrical service.

Emergency lighting must also be provided for all existing centers offering night care, but may be of the dry cell type with automatic actuation on interruption of normal building electricity.

Existing facilities offering care during daylight hours, only, are not required to have emergency lighting unless light level measured at the floor in exitways is less than 1.0 foot-candle.

When emergency lighting is required, it must be capable of maintaining the specified lighting for a period of 1/2 hour.

Electrical wiring in new construction shall be installed in accordance with the National Electrical Code.

Special protective receptacle covers shall be installed in all areas occupied by children in centers caring for children under five years of age.

Exterior play area must be free of trash and tall grass.

Burning of trash on the premises is not permitted while children are being cared for in the facility.

722. Fire Safety Requirements

XIX Fire Safety Standards - Application.

Where centers are located in a building containing mixed occupancies, the separation requirements of the locally applicable building code or, if none exists, the current state-adopted building code shall be satisfied.

No child in age group 0-3 years may be housed on any floor other than grade level in wood frame or ordinary constructed buildings, unless the building contains a complete, approved, automatic sprinkler system.

No mobile home, whether mobile or permanently situated, shall be issued a license as a Day Care Center. EXCEPTION: Those mobile homes that can document compliance with National Fire Protection Standard #501B, 1973 Edition, can be accepted as meeting fire safety construction requirements.

In new construction, interior finish in exitways shall be Class A and floors in exitways shall not exceed Class B.

In existing centers, interior finish for means of egress shall not exceed Class B, and individual rooms shall not exceed Class C. Floors or floor covering shall not exceed Class C.

Smoke detectors shall be installed on the ceiling of each story in front of the doors to the stairways and at no greater than 30 feet spacing in the corridors of all floors containing the center. Detectors shall also be installed in lounges and recreation areas in centers. The detectors may be single station units with an integral alarm having a decibel rating of at least 85.

There shall be a manually operated fire alarm system on each floor of centers with more than 50 children.

Portable fire extinguishers suitable for Class B fires shall be installed in kitchens and cooking areas, and extinguishers suitable for Class A fires shall be installed throughout the remainder of the center. Consult local fire authority or State Fire Marshal for number, size and type extinguisher to be installed.

Air-conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with Chapter VII, of N.F.P.A. #101, N.F.P.A. #54 and N.F.P.A. #90A.

723. Transportation

XV Transportation.

Centers that provide any transportation service between home and the center and/or to and from school must:

Recognize and assume responsibility for the supervision of the child from time of entry into the vehicle and until time of discharge from the vehicle. The driver is responsible for leaving the child only at the designated drop-off point or with the person designated by the parent.

Provide safe conduct to and from all cars and safe off-street loading space so that the children are protected from backing cars, from being between cars, and from all traffic hazards.

The center shall have on file written permission from parents or guardian for transportation of their child.

Vehicles engaged by a center to transport between home and center and/or school marked with the name and address of the facility so that children and others can easily identify it.

Vehicles containing children shall never be left unattended.

Each vehicle operated by center for transportation of children shall be provided with door locks. The driver shall be responsible for keeping the doors locked at all times the vehicle is moving.

The transporting vehicle shall be covered by medical and liability insurance as required by Oklahoma Laws governing the transportation of passengers. Evidence of this insurance must be submitted to the Department of Human Services annually by the center.

Assurance shall be made that the vehicle used is inspected in accordance with the State Law.

All passengers shall be able to sit comfortably. Adults must not allow children to stand in a moving vehicle or allow any part of the child's body to extend from windows.

Policies for vehicle use:

Provide the driver with a clipboard or notebook which lists the name, address and telephone number of the day care center as well as names of children being transported with an alternate telephone number of designated adults who could contact the parents.

Young children shall not ride more than 60 minutes one way.

Have a carefully scheduled route so that parents will know the expected pick-up and delivery times. A copy of this established schedule must be available to show approximately where the vehicle is at all times. The driver must be familiar with the scheduled route.

For children under four (4) years of age, proper staff ratio shall be maintained without counting the driver. For children four (4) years and over, the driver may be counted toward meeting the staff/child ratio.

Driver shall maintain a valid license required by the State of Oklahoma.

Driver must meet all requirements for "Staff Working With Children."

Volunteers assisting with transportation shall have a valid safety sticker on the car and have a valid Oklahoma Driver's License.

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

XVIII Food Service/Sanitation - Swimming Pools.

Swimming pools used by the day care centers are considered public bathing places and include permanent wading pools, in ground pools and above ground pools.

Swimming pools used by day care centers must maintain water quality, occupancy, and fencing standards. Diving shall not be permitted, unless the pool meets design criteria for a diving pool.

Personnel must be at and/or in the pool when children are using the pool. They must be appropriately dressed to enter the water at any time.

A certified life guard or person having a current Senior Life Saving Certificate or Advance Life Saving Certificate or Water Safety Instructor Certificate shall be in attendance at all times when pool is in use.

The following guide for grouping and staff ratio shall be used to determine compliances with standards while swimming.

Under 2 years must have a 1-1 ratio.

2 years up to but not including age 3 - at least 1 staff member to 4 children.

3 years up to but not including age 4 - at least 1 staff member to 6 children.

4 years up to but not including age 6 - at least 1 staff member to 7 children.

6 years and over -- at least 1 staff member to 10 children.

When children of two or more ages are grouped together, staff ratio of the youngest child shall apply.

Portable wading pools may be used under close supervision. When used they must be emptied after each session's use.

726. Emergency Procedures

XIX Fire Safety Standards - Administration - Evacuation Plan.

A floor plan of the building shall be exhibited on each floor of the building showing evacuation routes, prime and alternate, from each area of the building.

Emergency telephone numbers to be conspicuously posted at the telephone.

Fire drills are to be conducted monthly.

Each staff member shall be familiar with locations and use of portable fire extinguishers.

Each staff member shall be familiar with evacuation procedures and routes.

727. First Aid Supplies

XII Health Program.

A first aid kit shall be available at all times and contain the following:

Dermasurgical antibacterial skin cleanser.

Bandaids, non-medicated.

Sterile non-stick gauze pads, 3" x 3" individually packaged.

Gauze bandages 1" and 2" rolls.

Cotton balls — for cleansing purposes.

Adhesive tape.

Blunt scissors.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

XIII Food and Nutrition.

The day care center shall provide meals and snacks of quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met.

Children remaining in the day care center for longer than a four (4) hour period shall be served a balanced meal which shall provide at least one-third of the child's total daily nutritional requirement.

The day care center is responsible for providing the food for all children in care. Seconds shall be available for children.

Each meal served to children shall meet 1/3 of the daily nutritional requirements as set forth in the Minimum Meal Pattern Plan.

812. Waiver of Requirements

XIII Food and Nutrition.

When infants are in care or when a child has a special dietary need, parents can be requested to supplement the centers food service.

820. FOOD PREPARATION821. Food Preparation and Service Requirements

XIII Food and Nutrition.

The center shall file annually with the Department a statement of their Food Service Plan and Sample Menu for 2 weeks. The Food Service Plan must be directly related to the children in care and to the hours of operation to include breakfast or morning snack, noon meal and afternoon snack.

Current menus shall be posted at all times so that parents are aware of food being provided for their children. A duplicate menu shall be posted in the kitchen for the cook's use. Menus shall be closely followed, although reasonable substitutions are permissible.

XVIII Food Service/Sanitation.

Food and drink shall be prepared, stored and transported so that sanitary cooking methods are observed, nutrients retained and spoilage prevented.

The equipment and utensils used for storage, preparation and serving of food must be maintained in a sanitary condition.

Food service sanitation training can be provided by the State Department of Health when requested by the operator.

This standard provides exceptions for centers operating in housing which is originally designed as a family residence and having the licensed capacity of 15 or less children as follows:

Domestic sinks are acceptable when provisions are made for rinsing and sanitizing.

Domestic dishwashing machines with sanitizing cycles, properly installed and operated in a manner allowing completion of a sanitizing cycle without opening the machine, will be deemed acceptable. Adequate food service utensils shall be provided to assure complete food service for one meal for the licensed capacity of the center.

Kitchen ventilation requirements shall be exempt in existing center originally designed as a family residence with licensed capacity of 15 or less. Such centers licensed after February 1, 1981 shall provide domestic type hood vents.

Handwashing facilities in a bathroom on the same floor as the kitchen shall be deemed to be convenient to the food preparation area. Hot and cold or tempered running water shall be provided. If tempered valve is used the temperature shall not be set above 105 degrees. Bathroom doors shall not be required to be self closing.

This section, so amended, permits the licensing of residences having domestic type kitchen.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

X Care of Infants and Toddlers.

Infants and toddlers shall be in an environment which protects them from physical harm and which stimulates physical, intellectual, emotional and social development.

Staff members shall guard against allowing toddlers to become over stimulated or too tired by alternating active and quiet periods about every 20 minutes.

Provision shall be made to insure consistency and stability in meeting the needs of infants and toddlers.

Infants and toddlers shall be cared for by familiar staff members, whenever possible.

Infants and toddlers shall be removed from their cribs when not sleeping, as often as possible.

Infants and toddlers shall be provided with educational materials during the intervals they may be awake in their cribs.

Infants and toddlers shall be provided opportunities to crawl freely on clean safe floors.

Stimulation shall be regularly provided for infants and toddlers in a variety of ways, including being held, rocked, talked to and played with by the staff.

A variety of washable, safe toys shall be provided for infants and toddlers.

An adult shall be present with the infants and toddlers at all times.

Toilet training shall be relaxed and pressure free.

A child shall be encouraged in toilet training through regular use of a toilet or potty chair for short periods of time not to exceed 5 to 10 minutes.

A child shall be praised for appropriate use of potty chair.

A child shall not be shamed for accidents.

The plan and progress in toilet training shall be discussed with the parents.

Language development shall be encouraged by staff members through individual interaction with each child such as singing, talking, reacting to the child's sounds, naming objects, reading stories, playing musical games.

The center shall provide daily opportunities for infants and toddlers to be outdoors.

1120. HEALTH AND SAFETY REQUIREMENTS

X Care of Infants and Toddlers.

Each child shall be provided with a separate crib and/or playpen.

The mattresses and playpen pads shall be covered with waterproof, washable material.

Cribs and/or playpens must be at least two feet apart to allow for easy access.

Crib and playpen sheets shall be changed daily and whenever soiled.

Children may sleep on a low cot when able to stay on it.

Diapers shall be changed promptly when wet or soiled.

A clean and sanitary surface shall be used when diapers are changed.

1130. INFANT NUTRITION

X Care of Infants and Toddlers.

The day care center is responsible for feeding infants and toddlers a diet appropriate to their individual needs.

Infants under six months of age shall be fed the infant formula and diet prescribed by the child's physician or authorized by the child's parent. Parents may be requested to provide infant formula and baby foods.

Infants above the age of six months shall be offered a diet consisting of milk or formula, cereal, fruits, vegetables and meats in sufficient amounts to meet their daily food needs, unless otherwise recommended by the child's doctor.

When an infant or toddler has a special dietary need, resulting from an allergy or family religious restrictions, parents can be requested to supplement the center's food service.

When infants and toddlers show evidence of wanting to feed themselves, they shall be allowed to do so.

Infants up to the age of six months shall be held while being bottle fed. Infants of more than six months shall be held while bottle fed until they are able to hold their own bottle securely. Bottles shall not be propped by any means at any time.

Infants and toddlers no longer being held for feeding shall have a definite place for eating. They may sit in infant seats, or in a high chair provided with a safety strap, or in low chairs at low tables.

Staff members shall wash their hands thoroughly with soap and water before feeding an infant.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

VIII Program - School Age Program.

When school age children remain all day in the center they shall have opportunities for hobbies such as crafts, music and excursions appropriate to their age and needs.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

IV Physical Facilities and Equipment - Location and Construction.

The day care center shall be located in an area which offers minimum hazards to the health, safety and welfare of the child.

Basements may not be used for long periods of time. A basement is defined as a story of a building or structure having one-half, or more, of its clear height below grade level.

EXCEPTION - A warm, dry, properly ventilated basement may be used for short periods of time as an accessory play space if adequate provision is made for fire prevention and protection. When basement areas are used, two means of exit must be provided. One exterior exit to grade must be provided as remote from other means of exit as practicable.

The day care center shall comply with the Construction and Fire Safety Standards for Day Care Centers.

Any alteration, addition, or new construction must comply with current standards.

The following auxiliary spaces cannot be counted in determining the capacity of the center.

- Offices, teachers lounges, teachers work rooms.

- Rooms used exclusively for the care of ill children.

- Areas used exclusively for eating.

- Storage closets, supply rooms.

- Space occupied by furniture not for the children's use.

There must be minimum indoor play space of 35 square feet of floor area per child exclusive of auxiliary spaces listed. This applies to centers starting or expanding after July 2, 1970.

The licensed capacity of play space shall be computed by determining the total square footage of play space and dividing by 35.

Day care centers must provide a minimum outdoor play space of 75 square feet per child for the total licensed capacity. This applies to centers starting or expanding after July 2, 1970.

When day care centers are licensed for 24 or more children they must provide outdoor play space of 75 square feet per child for at least one-third of licensed capacity of the center or a minimum of 1800 square feet, whichever is greater.

The outdoor play space shall:

- Be safely accessible from indoors.

- Be free from hazards.

- Have more than one type of texture, (for example: grass, hard surfaces, sand or dirt areas). A climbing, swinging or sliding apparatus over a hard surface such as concrete or blacktop must have at least six (6) inches of impact absorbing material maintained under and around apparatus to provide safe landing spaces for the children.

Have some shade provided.

Be fenced. The fence shall begin at ground level, be at least 48" high, and maintained in a stable, secure upright condition so that children are kept in and animals kept out.

When care is provided for children over five years of age, fencing is not required on all sides if properly protected from traffic.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

XVIII Food Service/Sanitation - Facility Floors, Walls, Ceilings, Lighting, Ventilation and Housekeeping.

All areas in which food is prepared or stored, as well as handwashing areas, toilet rooms, and garbage and rubbish storage areas shall be well lighted.

All rooms in which food is prepared or served as well as toilet rooms, or garbage and rubbish storage areas shall be well ventilated.

Ventilation hoods and devices shall be required and so designed to prevent grease or condensation from dripping into food or onto food preparation surfaces.

Filters, where used, shall be readily removable for cleaning or replacement.

Ventilation systems shall comply with applicable State and local fire-prevention requirements and shall, when ventilated to the outside air, discharge in such a manner as to not create a nuisance.

1430. EXITS

XIX Fire Safety Standards. - Exit Details.

Each floor including basement, occupied by children, shall have not less than two remote exits; one of which shall discharge directly to the outside.

Travel distance between any room door and an exterior exit shall not exceed 100 feet, nor shall any point in a room and an exterior exit exceed 150 feet. These travel distances may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system.

All doors shall swing in the direction of exit travel if occupied by more than 50 children. Panic hardware must be provided for doors subject to use by an occupancy load of 100 or more persons.

Doors in means of egress shall not be less than 3 feet wide in new construction, and not less than 28 inches wide in existing construction. Standard manufacturer's door widths in mobile homes used as day care centers will be accepted.

Every closet door latch shall be such that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

Any day care center located above the second level of exit discharge, must be approved by Department of Human Services and the State Fire Marshal.

1440. TOILETS AND LAVATORIES

IV Physical Facilities and Equipment - Indoor: Auxiliary Spaces.

Bathrooms must:

Be located in the same building where the children's care is provided.

Be easily accessible to children.

Be maintained in a clean and sanitary condition.

Contain toilet paper within easy access of children.

Have hot and cold or tempered running water. If a tempered valve is used, the temperature should not be set above 105 degrees.

Contain soap for handwashing within easy access of children.

Contain individual towels or mechanical hand dryers within easy access of children.

Contain operable flushing toilets and sinks as follows:

<u>MINIMUM NUMBER OF CHILDREN</u>	<u>MINIMUM NUMBER OF TOILETS & SINKS</u>
1 THROUGH 15	1 OF EACH
16 THROUGH 30	2 OF EACH
31 THROUGH 45	3 OF EACH
46 THROUGH 60	4 OF EACH
61 THROUGH 75	5 OF EACH
76 THROUGH 90	6 OF EACH

As the chart indicates there must be one toilet and one sink for every 15 children. An additional toilet and sink must be added whenever the number of children exceeds the previous established multiple of 15 beginning with the first additional child. This applies to centers starting or expanding after July 2, 1970.

Urinals are acceptable but may not be counted as meeting the ratio of toilets.

Potty chairs are acceptable to facilitate toilet training for children up to age 3 years but may not be counted as meeting the required number of toilets.

Potty chairs must be emptied and sanitized immediately after each use.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

XIX Fire Safety Standards - Minimum Construction Standards.

Plan for construction of a new building, addition to, or major alteration of existing buildings, must be submitted to Department of Human Services and State Fire Marshal or local fire authority for approval prior to start of construction.

1530. BUILDING

XIX Fire Safety Standards - Minimum Construction Standards.

In localities where no building code exists, construction shall conform to the current state-adopted building code.

DAY CARE CENTERS

OKLAHOMA

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Oregon Children's Services Division, Rules Governing Standards for Day Care Facilities, December, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

412-10-010 Definitions.

"Day care" means care provided to a child during a part of the 24 hours of the day, with or without compensation.

"*Day care facility" means any facility that provides day care to six or more children, including a day nursery, nursery school group, or similar unit operating under any name.

*These rules do not apply to family day care homes (facilities serving no more than 5 children).

"Day Care Center" means a facility which provides care for 13 or more children.

"Infant and Toddler Program" means care provided in a facility, or part of a facility, to children between the ages of 6 weeks and 30 months.

"School Age or Latchkey Program" means care provided in a facility, or part of a facility, to children between the ages of five and 15 years, before and/or after school and all day when schools are not in session.

"Drop-in Program" means care provided exclusively for drop-in children in a facility, or part of a facility, on a part-time, irregular basis. Care on a planned, ongoing basis shall be considered regular day care.

112. Exclusions and Exemptions

412-10-010 Definitions.

Day Care Facility does not include any:

Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.

Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music, or religion.

Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

Facility operated by a school district, political subdivision of this state or a government agency.

Day care does not include care provided:

In the home of the child;

By the child's parent, guardian, or person acting in loco parentis;

By a person related to the child by blood or marriage within the fourth degree as determined by civil law;

On an occasional basis (not available nor provided at a facility for more than one day per week for more than 8 consecutive hours; or for more than 2 consecutive weeks in a calendar year) by a person not ordinarily engaged in providing day care; or

By providers of medical services;

By a babysitter.

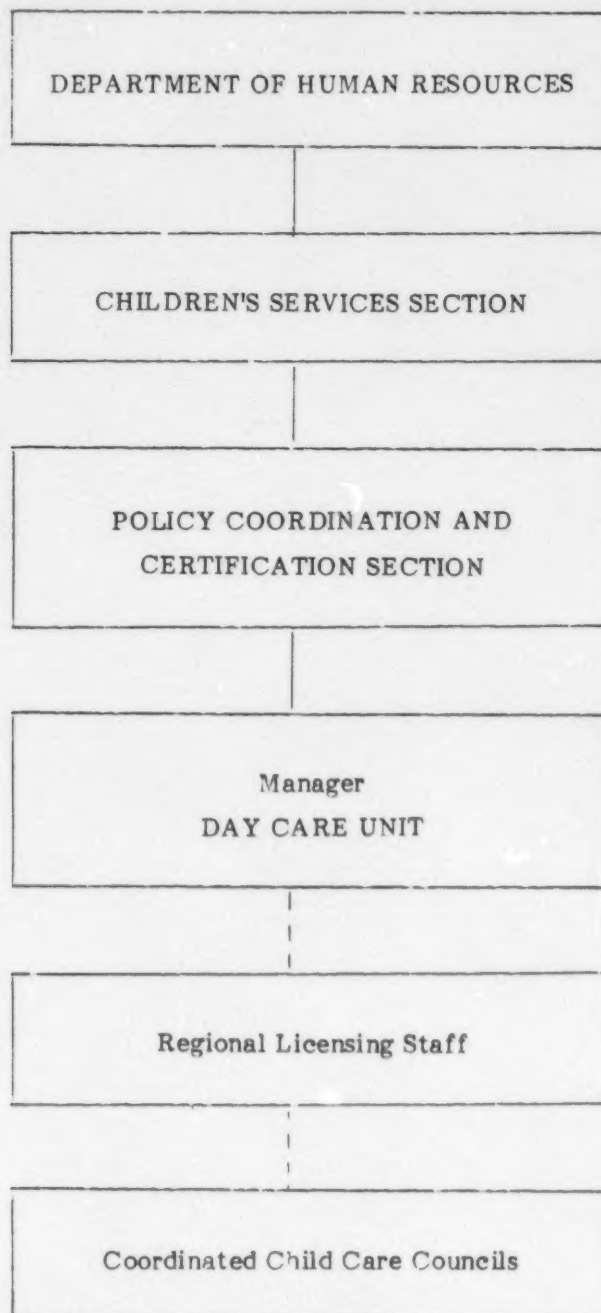
113. HHS Day Care Compliance

412-10-065 Federal Requirements.

Exception must have a certificate of compliance with federal day care requirements in order for federal funds to be used in full or partial payment for day care. In order to obtain a certificate of compliance with federal requirements, additional requirements must be met. Information on these requirements may be obtained from CSD.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



Day care center and group day care home licenses are issued at the regional office level and revoked at the state central office level. The day to day monitoring functions are carried out at the regional level. The state central office monitors and provides consultation to the regional offices. Through an administrative contract, the day to day monitoring functions and recommendations for family day care homes are the responsibility of the local Coordinated Child Care Councils. The certifications are issued at the regional office level.

122. Responsible Official

All inquiries should be addressed to:

Manager - Day Care Unit
Policy Coordination and Certification Section
Children's Services Section
Department of Human Resources
198 Commerical Street, S.E.
Salem, Oregon 97310

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

412-10-015 Certificate.

No person or organization unless exempted by ORS 418.805, shall operate a day care facility providing day care to six or more children at any one time who are unrelated to the caregiver without having a valid Certificate of Approval issued by Children's Services Division.

Application for the initial certificate shall be made in writing to the Division, upon the form provided by CSD, no less than 45 days before the estimated date of opening. Application for the annual renewal of a certificate shall be made at least 30 days prior to the expiration date of the certificate. In the event of a change of operator or location, application for a certificate shall be made no less than 45 days before the change.

The operator or a designated person signing on behalf of the operator must sign the application for a day care certificate.

An application for a certificate shall be accompanied by:

A floor plan indicating location and planned use of each room, dimensions of all rooms to be used (length and width), placement of bathrooms, and number of toilets and handwashing sinks.

An application is valid as long as the applicant is trying to meet certification requirements, for a period not to exceed one year, unless the application is denied within CSD policies and procedures.

222. Fee Charged

412-10-015 Certificate.

An application for a certificate shall be accompanied by:

A filing fee (not refundable). The fee shall vary according to the number of children for whom the facility is requesting to be certified.

6 through 12 children	\$ 5.00
13 through 30 children	\$15.00
31 or more children	\$25.00

223. Areas of Investigation

412-10-015 Certificate.

Upon receipt of an application for a certificate, a representative of CSD will evaluate the facility and all aspects of the proposed operation to determine if the facility meets the Division's standards for the care, health, and safety of children as set forth in this rule. If standards are met a Certificate of Approval will be issued by CSD. The certificate is:

Valid for no more than one year.

Not transferable to any other location or to another organization or individual.

224. License Renewal

412-10-015 Certificate.

An application for a certificate shall be accompanied by:

Annual renewal application is to be accompanied by the filing fee. A floor plan is not required unless structural changes are planned.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

412-10-070 Enforcement.

As provided in ORS 418.850 CSD, in order to ascertain continued compliance with these standards, shall have right of entry, privilege of inspection, access to staff, and all records of work with children.

232. Denial, Suspension, Revocation of a License

412-10-070 Enforcement.

Upon failure to meet standards or correct deficiencies, CSD may deny an application or revoke, suspend or refuse to renew the certificate.

CSD shall not accept a new application from an operator for at least one year following the denial of his/her application or revocation or refusal to renew a certificate.

Three written warnings for violation of one standard during a certification year shall result in refusal to renew a certificate.

The operator has the right to appeal any decision to deny, suspend, or revoke a certificate, or the determination that a person is unable to care for children, subject to the provisions of Chapter 183, Oregon Revised Statutes.

233. Remedies and Sanctions233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

412-10-015 Certificate.

The certificate shall be posted in a conspicuous place in the facility.

Day care facilities are prohibited:

In combination with maternity or other nursing care;

In combination with boarding care of aged persons;

From engaging in any other business or industry within the day care facility during the hours of operation of the facility. This does not prohibit a facility from being run in conjunction with other business or industry.

In order to maintain a certificate the operator shall comply with the following requirements:

Children shall be admitted only in accordance with the conditions of the certificate.

No child under 6 weeks of age shall be enrolled in a day care facility certified to care for six or more children.

412-10-025 Personnel.

A person shall be designated by the operator as director of the facility.

The director shall be responsible for those duties ordinarily considered to be administrative (e.g., staff supervision, maintenance of records and of the physical setting, etc.).

The director shall be in the facility at least one-third of the time the facility is in operation.

In the absence of the director there shall be a person in charge who is at least 18 years old who has been delegated the responsibility of the facility and who has at least the qualifications of a group leader.

For each age group served in the facility (excluding group homes) there shall be a person designated as the program supervisor (or head teacher) who is responsible for overseeing the activity program for the children in that age group.

This person may serve as program supervisor for more than one age group as long as she/he meets the qualifications for program supervisor for that age group.

A program supervisor may also serve as director or group leader as long as the person is employed full-time in the facility. If the program supervisor serves as director this person cannot be counted in the staff/child ratio.

412-10-035 Health and Safety.

Injuries or accidents shall be reported to parents on the day of occurrence. A written record of all injuries and accidents shall be maintained on file, and shall include the date, child's full name, nature of the injury, witnesses, and action taken.

Suspected communicable disease or suspected food poisoning shall be reported to the parents and to the proper health agency (i.e., County Health Dept., State Health Dept.).

412-10-055 Record Keeping.

A record of accidents in the facility, fire drills, reports to the health department of communicable diseases or suspected food poisoning, child abuse reports, and menus for the previous 3 weeks shall be maintained.

Records shall be kept for a minimum of one year unless otherwise specified in this rule or in a contractual agreement with CSD.

412-10-057 Administration.

The operator is responsible for making these standards known to all staff, including substitutes and volunteers.

In order to maintain the staff/child ratio, the operator shall make prearrangements for qualified substitutes so that someone is available on short notice in the event a caregiver is absent.

Any change in director and/or head teacher during the year must be reported to CSD in writing, listing the replacement person's qualifications for the job.

312. Telephone

412-10-035 Health and Safety.

Telephone service shall be available in the facility at all times when children are in care.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

412-10-057 Administration.

Persons whose presence may endanger the well-being of children in care shall be excluded from the facility. No person may be hired or retained or serve as a volunteer who has been convicted, or is awaiting a hearing on charges of child abuse (physical injury, neglect which leads to physical harm, or sexual molestation), or who has demonstrated behavior which might have a detrimental effect on a child.

Any person working directly with the children shall have physical and mental health, judgement, and moral character appropriate to meet the needs of children. If there are complaints or observations which cast doubt on the physical or mental competence of a person to care for children the operator, upon request by CSD, shall provide an evaluation from a physician, psychiatrist, or other qualified person or community resource.

Consumption of alcoholic beverages in the facility is prohibited during the hours of operation.

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

412-10-015 Certificate.

In order to maintain a certificate the operator shall comply with the following requirements:

As required by Oregon civil rights laws (ORS 30.670, 659.425), services to children must be available without discrimination on the basis of race, religion, color, national origin, sex, marital status of parent, or because of mental or physical handicap. Refusal by the operator to care for a child with a mental or physical handicap because of lack of related skills and degree of

competence, or because of structural barriers in the facility, shall not constitute discrimination. However, the burden is on the operator to establish that the refusal to care for a handicapped child was not an act of discrimination.

412-10-057 Administration.

As required by Oregon civil rights law, discrimination in employment is prohibited on the basis of race, color, sex, marital status, religion, national origin, age (18-65), or because of a mental or physical handicap unrelated to specific job performance.

340. RECORDS REQUIREMENTS

341. Children

412-10-015 Certificate.

In order to maintain a certificate the operator shall comply with the following requirements:

Medical information on each child shall be obtained from the parent(s) or guardian within 30 days of admission and kept current thereafter.

Information and emergency medical release for each child shall be obtained from the parent(s) prior to admission. The emergency medical release shall be on a form accepted by the medical treatment facility designated by the operator as the emergency treatment facility, and be signed and dated by the parent every 6 months.

412-10-055 Record Keeping.

Each facility shall maintain complete and current information in written form on each child including:

Name and birthdate of child;

Sex;

Home and work address and phone number of each parent or guardian;

Date child entered care;

A written authorization by the parent, accessible to all staff in case of an emergency, which specifies:

Name of child's doctor;

Name, address, and phone number of person to be called in emergency if the parent cannot be located; and

Other persons who may deliver the child into the facility and remove the child from the facility.

A statement signed by a parent authorizing the facility to call an ambulance or take a child to an available physician at the parent's expense.

Written approval of the parent(s) for participation in field trips.

Written approval of the parent(s) for participation in swimming activities if the child will be participating in such activities.

Written instructions for feeding children 6 weeks to 1 year of age; written parental instructions if a special diet is requested.

There shall be an emergency medical release on file for each child on a form accepted by the local emergency medical treatment facility and signed and dated every 6 months by the parent.

There shall be a health record of a child which includes a physician's or local public health department's approval for admission, and a record of immunizations (or a written waiver signed by a parent or doctor).

When medications are administered at the day care facility, there shall be a written record maintained of medications administered listing, as a minimum, the name of the child, the name of the person administering the medication, date, time, dosage given, and reason for administering the medication.

There shall be a daily written record listing, as a minimum, the date, name of each child in attendance, time of his arrival and departure. The record shall show the children in attendance at any given time.

342. Staff

412-10-055 Record Keeping.

The operator shall maintain personnel records on each staff member. The record shall include:

Names and addresses of staff listed by position;

Application or other statement giving the education and previous work experience of the staff member and date of employment;

Records of negative tuberculosis tests of each staff member;

Statement of the staff member's duties and responsibilities in the facility.

Dates of employment and attendance records in the facility.

The operator shall maintain records on each volunteer. The record shall include:

Name and address of volunteer.

Record of negative tuberculosis test.

Dates of attendance in the facility.

The operator shall have written evidence that each staff member, volunteer, substitute caregiver, driver, food handler or other person having regular contact with the children is free from active TB. An examination must be obtained within 30 days prior to or after employment.

343. Child Eligibility and Enrollment Requirements

412-10-015 Certificate.

In order to maintain a certificate the operator shall comply with the following requirements:

An opportunity shall be given for each child with his/her parent(s) or guardian to have a preplacement visit to the facility.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

412-10-027 Staff/Child Ratios.

The name of caregivers shall be determined by the number and ages of children.

Each preschool, infant and toddler, and school age program shall have at least the following number of caregivers with each group of children:

Six weeks through 30 months of age: one group leader for four children, or one group leader and one assistant for a group of five through eight. No group in this age range shall exceed eight.

Thirty months through four year olds: One group leader for 10 children, or one group leader and one assistant for a group of 11 through 20. No group in this age range shall exceed 20.

Five through 9 years: One group leader for 15 children, or one group leader and one assistant for a group of 16 through 30. No group in the age range shall exceed 30.

Ten through 14 years: One group leader for 20 children, or one group leader and one assistant for a group of 21 through 40.

Each group home shall have at least the following number of caregivers with each group of children:

Six weeks through 14 years of age: One person for six children or 2 persons for a group of 7 - 12 children. No more than two children under the age of two shall be allowed in the group home.

Thirty months through 14 years of age: One person for 10 children, or 2 persons for a group of 11 or 12 children.

Six years through 14 years of age: One person for a group of 12 children.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

412-10-025 Personnel.

In the absence of the director there shall be a person in charge who is at least 18 years old who has been delegated the responsibility of the facility and who has at least the qualifications of a group leader.

The program supervisor shall be at least 18 years old.

A person shall be designated as the group leader (or teacher) who is responsible for a group of children. This person shall be at least 18 years old.

Assistants and aides may be included in the staff-child ratio calculation. They must be at least 15 years of age but may not be in charge of a group of children without supervision by another staff person who meets at least the qualifications of a group leader.

512. Health

See 322. Constraints Against Employment

513. Education

412-10-025 Personnel.

In a facility certified to care for preschool age children, the Program Supervisor shall have:

Completed at least two years of specialized training at a college or university, with a major in early childhood education, preschool education, or child development; or

A CDA (Child Development Associate) Credential; or

At least two years full-time experience in the care of children in an ongoing group setting, with at least one year in a supervisory capacity (such as kindergarten, day care center, or Head Start Program).

Each Group Leader shall have:

Completed at least one year of specialized training in a community college, or university with a major in early childhood education, preschool education, or child development; or

A CDA (Child Development Associate) Credential; or

At least one year of full-time experience in the care of children in an ongoing group setting (such as a kindergarten, day care center, or Head Start Program).

In a facility certified to care for infants & toddlers the Program Supervisor shall have:

Completed at least two years of specialized training at a college or university with emphasis on child development or nursing; or

At least two years full-time experience with at least one year supervisory experience, in the care of infants and/or toddlers in an ongoing group setting (such as a hospital or infant day care center).

Each Group Leader in an infant & toddler program shall have:

At least one year of specialized training at a college or university with a major in child development or nursing; or at least one year full-time experience in the care of infants and/or toddlers in an ongoing group setting (such as a hospital or infant day care center).

School Age Program

In a facility certified to care for school age children the Program Supervisor shall have:

Completed at least two years of specialized training in a community college, college, or university with emphasis on education, child development, physical education or recreation; or

At least two years full-time experience with at least one year supervisory experience, in the care of children in an ongoing group setting (such as in a classroom, kindergarten, day care center, recreation program or latch-key program).

Each Group Leader in a school age program shall have:

At least one year of specialized training in a community college, college, or university with a major in education, child development, or physical education, or recreation; or

At least one year full-time experience in the care of children in an ongoing group setting (such as in a classroom, kindergarten, day care center, recreation program, or latch key program).

The person operating a group home shall be responsible for those duties ordinarily considered to be administrative and shall have:

At least one year of previous full-time experience in the care of a group of children other than his/her own; or

At least one year of specialized training in a college or university with a major in early childhood education, child development, or nursing.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

412-10-025 Personnel.

The director shall be at least 18 years of age.

522. Health

See 322. Constraints Against Employment

523. Education

See 513. Education

524. Experience

See 513. Education

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

412-10-030 Program and Care of Children.

Each facility shall have a program plan evidenced by a written daily schedule, and at least a monthly staff meeting for planning purposes.

Each facility shall provide positive learning experiences appropriate to the individual developmental needs of children in care.

Opportunities for parents to observe and participate in the facility shall be provided.

Children must at all times have the full attention of the appropriate number of staff.

A facility providing swimming or water-related activities to children must comply with CSD Rules 412-10-500 to 412-10-530, Standards for Swimming Activities Provided to Children Enrolled in Day Care Facilities. These standards apply to activities provided on the premises of the facility or off the premises by another organization, public or private.

A preschool program shall provide:

A balance of active and quiet, group and individual activities, which promote the development of skills, social competence, self-esteem and positive self-identity, and augment and supplement the child's other daily experiences. As a minimum the program plan shall include:

Arts and crafts experiences, such as printing, coloring, and cutting and pasting.

Activities related to the "world around us" (animals, nature, field trips, people in the community, etc.)

Dramatic play, such as housekeeping, dress-up, and cooking.

Activities such as running, climbing, and hopping, which develop large muscles.

Activities which develop small muscles, such as cutting, pasting, clay, fingerpaints, etc.

Music and movement experiences, such as singing, dancing, tumbling, creative movement, and musical instruments.

Activities in concept development, such as listening skills, size, shapes, colors, counting, measurement, etc.

Experiences in using the five senses through sensory play (sandbox or cornmeal table, play, dough, water play, touching and seeing textures, "scratch and sniff" books, etc.)

Each group home shall provide:

A variety of experiences geared to the ages and activities of the child(ren). Activities shall be planned to use the family setting and the every day happenings of the home, and shall allow children to make individual choices, and to encourage a child to develop skills in all areas appropriate to the age and ability of the child. A balance of active and quiet play shall be provided. There shall be activities both indoors and outdoors (when weather permits).

Regularity in routines such as, but not limited to, eating, napping, and toileting, with sufficient flexibility to respond to the needs of the individual.

612. Program Equipment and Materials

412-10-033 Equipment.

Equipment and furnishings shall be child size or suitably adapted to children's use.

The quantity of materials and equipment shall be:

Sufficient to avoid excessive competition, to provide a choice of activity to each child, and to provide a balance of active/quiet and individual/group activities; and

Readily accessible to the children.

The outdoor play area shall provide opportunities for muscle developing activities, such as climbing, digging, building, and playing ball.

613. Nap Provision

412-10-033 Equipment.

There shall be a cot or rest mat for each toddler, for each preschool child in the facility at rest time, and for each school age child who wants to rest.

Each cot and mat shall be equipped with a washable cover, and maintained in a safe, clean, sanitary manner. Each mat shall be flame retardant, have a waterproof cover, be a minimum of 1 inch thick, and be designed specifically for a child to rest. Mats are to be cleaned and sanitized daily with a sanitizing solution.

Cots shall be labeled so that each child uses his own cot, or cleaned daily with a sanitizing solution.

There shall be at least 2 feet of space between each cot and mat when in use.

Each child who is resting shall have individual bedding consisting of at least a sheet or blanket. Bedding shall be maintained in a clean and sanitary manner.

614. Discipline and Guidance

412-10-031 Discipline.

The facility shall have written disciplinary policies. It is the responsibility of the operator to make these policies known to all staff, volunteers, and parents.

The operator shall not use, or permit an employee or volunteer to use, corporal punishment or punishment which is abusive or humiliating.

Staff shall not withhold food as a means of punishment, nor punish children for refusing foods.

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Not specified

712. Health Assessments

412-10-035 Health and Safety.

Prior to admission or within 30 days each child must have a written statement of approval by a physician or local Public Health Department stating that he is able to participate in day care activities.

713. Immunizations

412-10-035 Health and Safety.

Prior to admission or within 30 days each child must have written evidence, listing by date of immunization, that s/he is immunized against DTP, polio,

measles, mumps, and rubella, in accordance with the schedule of immunizations recommended by the Oregon State Health Division.

If a child's immunizations have not been completed according to the schedule, they must be started upon enrollment. The operator is responsible for assuring that immunizations, according to a child's age, are completed.

714. Sanitation

412-10-035 Health and Safety.

No smoking shall be allowed in the presence of children, or in rooms where food is being prepared, served, or stored.

Each staff person shall wash his/her hands thoroughly before and after preparing or handling food, feeding a child, changing a diaper, or using restroom facilities.

412-10-040 Physical Setting.

Walls and floors in toilet rooms, food preparation and food storage areas shall be smooth and non-absorbent.

The building, toys, equipment, and furniture shall be maintained in clean, sanitary, and hazard-free condition.

The facility shall be so constructed and maintained as to minimize the infestation of rodents, insects, and vermin. Open doors and windows shall be equipped with fine-meshed screens. Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.

All plumbing shall comply with the State Plumbing Code and shall be kept clean and in good repair.

Soap, paper towels, and hot and cold running water shall be provided at each sink located in the kitchen, restrooms and diaper changing area.

For drinking water, paper cups or an angle jet-type fountain shall be used.

Laundry areas, if included, shall be separate from the kitchen, dining, and play areas.

All clean linen shall be stored in a sanitary manner, and soiled linen stored in a separate area, away from food preparation and storage areas.

The outside activity area shall be suitably surfaced and well drained and kept free of litter, solid waste and refuse. It shall be kept free of debris, ditches, or other conditions presenting a potential physical hazard.

The water source, supply, and distribution system shall meet the standards set by the Oregon State Health Division in OAR 333-42-200 through 333-42-245, Rules for Domestic Water Supply Systems. The water source, supply, and distribution system of the facility must be approved by a representative of the Health Division.

All sewage and liquid wastes shall be disposed of in a municipal sewerage system where such facilities are available. If such facility is not available, sewage and liquid wastes shall be collected, treated and disposed of in compliance with the rules and regulations of the Department of Environmental Quality governing subsurface sewage disposal.

All garbage, solid waste, and refuse shall be disposed of at least once a week and in compliance with rules and regulations of the Department of Environmental Quality governing solid and waste management.

412-10-043 Animals in Facility.

Animals and animal areas shall be maintained in a healthy, sanitary condition, safe to the animal and children.

Domestic dogs and cats shall be the only carnivorous animals maintained on the premises. All dogs and cats maintained on the premises shall have a rabies vaccination as evidenced by a current certificate of rabies inoculation.

No animals or fowl shall be kept or allowed in any area in which food or drink is prepared or stored.

715. Daily Illness Screening

412-10-035 Health and Safety.

Each child shall be inspected daily for signs of communicable disease or other illness.

Children who are ill shall not be accepted at the facility and parents shall be so advised.

716. Care of Sick Children

412-10-035 Health and Safety.

If a child becomes ill during the day he shall be isolated, and the parents shall be notified immediately.

Arrangements shall be made to have a licensed physician or hospital or clinic available in cases of emergency.

717. Medication and Special Diet Provisions

412-10-035 Health and Safety.

The facility may administer medication to a child under the following conditions:

For prescription medications there must be written permission to administer the medication from the parent, and it must be administered in accordance with a physician's current orders.

For non-prescription medications the parents' written instructions must include the name of the medication, circumstances under which it may be administered, dosage, and frequency of administration.

There shall be a written record maintained of medications administered listing, as a minimum, the name of the child, the name of the person administering the medication, date, time, dosage given, reason for administering the medication.

When permission is given to administer medication on an "as needed" basis, the parent must be notified that medication was given on the same day it is administered, the amount administered, and when it was administered.

Authorization to administer non-prescription medication must be reviewed with the parent every 3 months. Revisions will be indicated in writing as necessary.

718. Waiver of Health Requirements

412-10-035 Health and Safety.

This requirement may be waived if it is contradictory to the religious practices of the parents. A parent shall provide a written statement.

Exceptions may be made when the facility is under Head Start or some other program which provides complete medical evaluations as part of its regular program.

Exceptions may be made to the completion of these schedules when the child's physician provides a signed statement recommending delay or omission of the immunization.

This requirement for immunizations may be waived if this is contradictory to the religious practices of the parents. A parent shall provide a written statement.

720. SAFETY

721. General Safety Requirements

412-10-040 Physical Setting.

The outdoor play area of a facility serving children under age 5 must be enclosed by a barrier (fence, wall, or building) at least three feet high.

Electrical outlets accessible to children under 5 years of age shall have protective caps or safety plugs when not in use.

Heating systems and ranges shall be properly installed and vented, in accordance with local building codes. Range hoods shall be equipped with filters or other easily cleanable filtering devices.

Protection shall be provided from hot pipes, fireplaces, heaters, windows, electric fans, and other hazardous conditions. Window screens or guards and stair guards shall be used in any hazardous location accessible to a child. A movable barrier, such as a gate, shall be placed at the top and bottom of all stairways accessible to infants and toddlers.

Floors shall be free of splinters and large or unsealed cracks, sliding rugs, and other hazards.

Handrails shall be on both sides of stairs used by children.

Items of potential danger to a child (cleaning supplies and equipment, paints, plastic bags, aerosols, detergents, etc.) shall be stored in clearly labeled containers under lock and away from food services supplies. Medications shall be stored in clearly labeled original containers under lock.

No painting shall be done using lead paint. There shall be no peeling paint in rooms or on equipment used by children.

722. Fire Safety Requirements

412-10-035 Health and Safety.

Fire drills shall be conducted at irregular times, at a minimum of once a month. A written record of drills shall be maintained.

Fire extinguishers, as recommended by the State Fire Marshal, shall be in the facility, and procedures for use known by staff. The extinguisher shall be checked monthly as directed by the fire marshal, serviced at least yearly, and maintained in operable condition.

723. Transportation

412-10-045 Transportation.

When transportation is provided by the facility the following requirements shall be met:

Drivers shall be at least 18 years of age and hold a current driver's license.

The vehicle and driver shall be in compliance with all relevant state and local motor vehicle laws.

The vehicle shall be maintained in a safe condition at all times.

There shall be first aid supplies in the vehicle during the time children are being transported.

Drivers picking up children at their homes, school or center shall not depart until the children have taken a seat in the vehicle; drivers delivering children to their homes shall not depart until the child has been received by an authorized person. The child must be delivered to that side of the street on which he lives and shall leave the vehicle on the curb side.

The appropriate staff/child ratio according to the age of the children, shall be maintained in the vehicle (See Section 25). If there are more than 6 preschool children in the vehicle there shall be at least one staff person in addition to the driver.

No child shall be left unattended in the vehicle.

Duration of the ride for any one child, to or from the child's home, shall not exceed 45 minutes, each way.

See Also 1120. HEALTH AND SAFETY REQUIREMENTS

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

412-10-510 Responsibilities of Operator.

The operator of a day care facility providing or arranging for the provision of swimming activities for children during the hours the children are in the temporary care and custody of the facility is responsible for compliance with these standards, and with applicable rules governing standards for day care facilities as listed in 412-10-500.

The operator is responsible for making these standards and the individual staff person's responsibilities known to all staff of the facility and any other persons working directly with the children.

If children with developmental disabilities participate in swimming activities, reasonable and prudent modifications of these standards must be considered, based on the capabilities of the individual child and the written recommendation of the individual child's physician. The operator is responsible for developing written standards that meet or exceed the standards contained in this rule, if these children are to participate in swimming activities, and is responsible for making these standards known to all staff of the facility and any other persons working directly with the children.

There shall be written approval of the parent(s) for participation in swimming activities on file in the child's record at the day care facility.

412-10-515 Personnel Requirements.

In addition to complying with applicable rules governing personnel and staffing requirements for the type of day care facility, the operator must comply with the following requirements:

For every child or group of one to thirty children, and for each additional group of one to thirty children, participating in any swimming/water activity except wading, there shall be at least one person (may be member of pool or day care facility staff or a volunteer) who meets the following qualifications:

Holds current Red Cross Advanced Life Saving Certificate, YMCA Senior Lifeguard, Boy Scout Lifeguard, or equivalent.

Has completed cardio-pulmonary resuscitation training that includes infant and child resuscitation.

The number of staff with the children shall be determined by the ages of the children, their swimming ability, the depth of the water, and the type of activity.

All staff counted in the staff/child ratio shall be able to swim and shall be prepared to be in the water with the children. At least one person, other than the lifeguard, shall be in the water with the children.

For instructional swimming, and recreational activities in which the day care children are the only persons in the water, persons other than staff of the day care facility, such as pool personnel, may be counted in determining the number of staff required. For recreational activities in which there are persons other than the day care children in the water only staff of the day care facility (employees and volunteers) who are present at the water area may be counted in the staff/child ratio.

Staffing for water activities for children under 2-1/2 years of age shall meet the following requirements:

A staff/child ratio of 1:1 shall be maintained for children under one year old.

A staff/child ratio of 1:2 shall be maintained for children between 1 and 2-1/2 years of age unless the water's depth is higher than the child's knee; in this instance a staff/child ratio of 1:1 shall be maintained.

A staff/child ratio for water activities (including wading activities) for children at least 2-1/2 years of age shall be maintained according to the attached chart.

412-10-520 Requirements of Physical Setting.

All swimming pools used for swimming activities for children enrolled in day care facilities shall comply with the Oregon State Health Division's Rules and Regulations Governing Public Swimming Pools (OAR 333-42-075 through 42-120).

A written medical emergency procedure with current emergency phone numbers shall be posted in the swimming area or shall be available in writing in the possession of a staff person in the swimming area. All staff shall be familiar with the procedures.

There shall be a first aid kit in a designated place in the swimming area, or in the possession of a staff member, available at all times during any water activity.

There shall be no swimming/water activities in moving water except wading activities.

412-10-525 Exceptions.

Exceptions to an individual standard set forth in these rules may be granted by the Division when deemed appropriate for the type of activity and the physical setting.

421-10-530 Enforcement.

Upon failure to meet standards or correct deficiencies, the CSD may revoke, suspend, or refuse to renew the certificate.

The operator has the right to appeal the decision to deny, suspend or revoke a certificate subject to the provisions of Chapter 183, Oregon Revised Statutes.

726. Emergency Procedures**412-10-035 Health and Safety.**

An emergency light source, preferably a flashlight, shall be readily available.

Each facility shall post written instructions to follow in an emergency (i.e., fire, illness, accident), with emergency phone numbers for poison control, fire and emergency medical care posted on all phones. All staff shall be familiar with phone numbers and established procedures.

See also 341. Children.

727. First Aid Supplies

412-10-035 Health and Safety.

At least one staff person holding a current standard American Red Cross First Aid Card or its equivalent shall be on duty during the hours the facility is in operation.

First Aid supplies shall be maintained in one identified place and be available for use but kept out of reach of children. The first aid container shall contain bandages, gauze pads, a wound cleaning agent, such as soap or sealed antiseptic towelettes, scissors, and tweezers. First Aid supplies shall be taken on children's field trips.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

421-10-050 Nutrition.

Each meal plus snack served shall provide at least one third of the child's daily nutritional needs (recommended Dietary Allowance, Food and Nutrition Board, National Academy of Sciences, National Research Council).

All meals shall include at least one serving from each of the Basic Four food groups (bread and cereal; fruits and vegetables; milk and milk products; meat, fish, poultry, and vegetable protein such as legumes (i.e., dried beans and peanut butter). All snacks shall be selected from the Basic Four Food Groups. If breakfast is served in addition to lunch and/or dinner, meat, fish, poultry or vegetable protein is not required.

The current week's menu for all meals and snacks served shall be posted for parents to see. Any substitution shall be recorded on the menu. Meal records of the previous 3 weeks shall be kept for CSD inspection.

There shall be no more than 3-1/2 hours between meals and snacks in any facility providing care for the same children 3 1/2 or more consecutive hours.

Lunch and morning and afternoon snacks shall be provided by the facility. When the planned attendance is prior to 7 a.m. a child shall be offered a breakfast if it is not provided by the parent(s). When the planned attendance is after 6:30 p.m. a child shall be offered dinner if it is not provided by the parent(s).

Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) and special diets (for a child's allergy or medical condition which requires the addition/elimination of specific foods or ingredients not tolerated/recommended) shall not be served without written instructions from a physician and parental consent.

All milk and milk products shall be from approved sources. Grade A pasteurized and fortified milk shall be served to children. Powdered milk may be used only in cooking. The serving of raw milk is prohibited. Milk shall be served in original containers, from a refrigerated bulk container equipped with

pour operation. Milk remaining in the container that is left over after the meal or snack shall be used only in cooking.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

412-10-037 Food Service.

The facility's food service program shall meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishment with the following exceptions:

Facilities holding a certificate of approval from CSD on the effective date of this rule, using a dishwasher that does not meet the standards contained in this rule, may continue using the dishwasher for up to 1 year past the effective date of this rule, as long as it continues to operate as it was designed to do. After that time it must be replaced by a dishwashing procedure that conforms with this rule.

A pump-recirculated final rinse dishwasher with at least a 170° F. temperature activated final rinse cycle may be used if it is operated according to the manufacturer's instructions and all utensils and dishes placed in the machine are exposed to all dishwashing cycles. A home style dishwasher may be used to group home facilities if it is operated according to the manufacturer's instructions.

No home-canned vegetables, meats or fish shall be served to children. This does not prohibit the serving of home-canned jams, jellies, or fruit that is frozen, commercially canned or canned on the premises of the certified facility; or home canned food supplied by a parent for his/her child as ordered by a physician.

Kitchen facilities for storage and preparation of food shall be separated from other areas. Children shall not be allowed in the kitchen except for a supervised learning situation.

Catered food are to be delivered in a sanitary manner from a kitchen meeting the food service standards of the State Health Division.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

412-10-030 Program and Care of Children.

An Infant and Toddler Program shall provide:

Each child with one or more rest periods scheduled according to his individual needs. The rest area(s) shall be arranged so that all children can be seen and heard by a staff person.

Interaction with each child with one or two staff members on an ongoing, one-to-one basis in order to stimulate social, physical, intellectual, and emotional growth. Type of interaction shall include:

Frequent verbal communication (i.e., cooing, peek-a-booing, talking, etc.) with children to nurture perception and language development.

Opportunities for self-expression in conversation, imaginative play and creative expression.

Physical contact through being held, rocked, and played with, as well as through being dressed, bathed, and carried.

Immediate attention to the emotional and physical needs of a child. No child shall be routinely left in a crib except for sleep or rest.

Opportunities for toddlers to run, climb, and participate in other vigorous physical activities.

Opportunities for children to visit other parts of the facility, as well as outside, to provide some change of physical surroundings, and social interaction opportunities with older children.

1120. HEALTH AND SAFETY REQUIREMENTS

412-10-033 Equipment.

A facility serving infants and toddlers shall provide:

A crib for each infant that meets the following requirements:

Each crib shall be of sturdy construction with crib slats no more than 2 3/8 " apart;

Locks and latches on the dropside of the crib must be safe and secure from accidental release or release by the baby inside the crib;

The crib or cot must have clean, individual bedding, including sheets and blanket;

Each crib mattress shall be completely and securely covered with waterproof material, and fit the crib snugly (no more than 2 fingers between the mattress and crib);

If plastic materials are used, they shall be heavy, durable, and not dangerous to children;

A child shall never be placed directly on the waterproof mattress cover;

Linen shall be cleaned when soiled, or at least daily. Cribs and cots shall be cleaned at least once a week, or upon change of occupant;

There shall be no restraining devices of any type used in the crib unless prescribed by a physician;

There shall be at least 2 ft. of space between cribs;

Wall or stacking cribs are prohibited.

A safe, secure place to feed a child. If high chairs are used they shall have the following:

A broad base to prevent tipping;

A latch to keep a child from raising the tray; and

A strap to prevent a child from sliding out.

Equipment for developmental needs, such as toys, crawl and climbing equipment, large picture books, musical and story records and record player, pull and push toys, nesting blocks or similar size-sequence materials appropriate for very young children. All shall be sanitizable and non-toxic, and have no removable parts small enough for an infant to swallow, such as eyes, buttons, etc.

Craft materials for toddlers for drawing, cutting and pasting, as well as play dough. All materials shall be non-toxic.

Infant equipment, such as mobiles, that stimulate eyehand coordination while a child is in a crib.

One potty chair for every four children.

A bathtub, bathinette, or plastic basin available for bathing children, and cleaned and sanitized after each use.

A diaper-changing table with a surface that is easily cleaned. It shall be cleaned and sanitized after each use with a disposable towel.

412-10-035 Health and Safety.

A facility serving infants and toddlers must develop written health policies which meet the approval of a sanitarian, registered nurse or nutritionist and which cover the following aspects:

care of diapers;

type of feeding with specific formula and menus indicated;

provisions for diaper changing;

provision for bathing of infants when soiled; and

care of bed linen.

412-10-040 Physical Setting.

Areas used by infants and toddlers shall be separated from areas used by older children.

In a facility serving children under 2-1/2 years old there shall be:

At least one toilet in or adjacent to the infant and toddler area.

A handwashing sink in/or adjacent to each diaper changing area (sink used for diaper changing shall not be used for food preparation).

412-10-045 Transportation.

When infants and toddlers are transported:

There shall be at least one person besides the driver for every three infants and toddlers.

Each child shall be secured to the seat by his own seat belt or an infant safety seat that conforms to the standards and specifications of the Society of Automotive Engineers.

When transporting a child to his home a staff person shall take him to the door and see that a parent or authorized person receives him.

1130. INFANT NUTRITION

412-10-050 Nutrition.

No low fat or skimmed milk shall be served to a child under two years of age without written parental consent.

A facility serving children under one year of age shall comply with the following:

There shall be an individualized feeding schedule for each child.

Written consent and direction of the parent(s) shall be obtained when formula (includes all fresh milk, evaporated milk, commercial formula, plain or iron fortified, and special formulas (soy-based, meat-based, etc.) is provided by the facility.

Formula provided by the parent shall be clearly marked with the child's name.

All perishables must be kept under refrigeration.

No liquids other than milk formula, water and fruit juices shall be served without written parental consent.

Solid foods shall not be fed to infants under 6 months without parental consent. Solid foods fed to infants shall be selected from the Basic Four Food Group. Solid food shall not be served directly from the containers they come in. Leftovers shall be discarded.

Honey shall not be served to children under one year of age.

Children who cannot feed themselves shall be held or fed in infant seats or high chairs. Bottles shall not be propped.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

412-10-030 Program and Care of Children.

A school age program shall provide opportunities for children:

To develop interest and skills through:

Participation in group activities; and

Individual pursuit of activities such as crafts, art, cooking, doing homework, reading a book, etc., where a skilled adult is available to assist.

To rest.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

412-10-040 Physical Setting.

There shall be a minimum of 35 square feet of indoor activity space per child available (exclusive of bathrooms, halls, kitchen, office, storage areas, laundry and furnace rooms).

There shall be an outdoor play area conveniently located to permit children to reach it without hazard. There shall be a minimum of 75 sq. ft. per child of outdoor play area at time of use. In centers where groups of children are scheduled at different times for outdoor play, there must be 75 square feet per one-third of the licensed capacity.

If local zoning is at variance with this standard, the most restrictive regulation shall be used.

Storage space shall be available for children's clothing and personal possessions, play equipment, teaching equipment and supplies, records and files, cots, and cleaning equipment and supplies. Storage of supplies, furniture and other materials in corridors, on stairs, or in stairwells that are used by children is prohibited.

A place for isolating a child who becomes ill must be provided. This space must be located where the child can be seen and heard by a staff member. The isolation area can be used for other purposes providing it is maintained in a sanitary manner. The space and equipment shall be thoroughly cleaned after use and all bedding shall be laundered before it is used again.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

412-10-040 Physical Setting.

The building shall be ventilated by natural or mechanical means and have a heating capability of maintaining a mean temperature of 68° F. in the rooms used by children.

All areas utilized by staff and children shall be adequately lighted. There shall be no exposed light bulbs in permanently wired fixtures in rooms used by children.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

412-10-040 Physical Setting.

Rest rooms shall provide at least one toilet for each 15 children in the facility over 2-1/2 years old. There shall be at least one handwashing sink for every two toilets.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

412-10-015 Certificate.

An operator of a day care facility must meet all state and local codes, including structural, electrical, plumbing, water, sewage, solid waste, and zoning, and obtain and maintain any local license or permit required to operate a business, prior to obtaining a certificate from CSD.

1520. FIRE

412-10-015 Certificate.

The facility must be approved by representatives of the Health Division and the State Fire Marshal prior to obtaining a certificate from CSD.

412-10-040 Physical Setting.

The facility must meet fire and safety requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code, as determined by the Fire Marshal.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 714. Sanitation

1560. NEW CONSTRUCTION

Not specified

509

Except where otherwise noted, all citations are from the Pennsylvania Department of Public Welfare, Regulations for Child Day Care Centers, (Chapter II, Section 8A of the Department of Public Welfare's Social Services Manual), April, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

4. Day Care Service for Children provides out-of-home care for part of a 24-hour day to children under 16 years of age, excluding care provided by relatives. Day Care Service for Children is provided in day care centers subject to Section 8A of Day Care Service for Children Regulations.

21. Day Care Center is a facility in which care is provided for 7 or more children, at any one time, where the child care areas are not being used as a family residence.

23. Developmental Level is the grouping category appropriate for the child's developmental progress. The following are approximate age ranges corresponding to developmental levels. Any child in these approximate age ranges may be placed in another developmental level if determined by the facility staff and the parent to be more appropriate for the child's developmental progress.

Infant is a child approximately 0-18 months of age.

Toddler is a child approximately 18-36 months of age.

Preschooler is a child approximately 36 months of age to approximately the date the child initially enters the first grade of a public or private school system.

School-Age Child is a child from approximately the date the child initially enters the first grade of a public or private school system to 16 years of age.

27. Drop-In Care Program is a day care center program providing care for any child for less than 4 consecutive hours, on an intermittent basis.

31. Head Start Day Care Program is a Federally funded child development program operating for 6 or more hours a day that provides a comprehensive program of parental involvement, nutritional, medical, dental, psychological, social, and educational services.

35. Multi-facility Day Care System is an agency or organization which operates more than 1 facility but offers only 1 of the following types of day care service for children: day care center care, group day care home care, or family day care home care.

37. Multi-type Day Care System is an agency or organization which offers at least 2 of the following types of day care service for children: day care center care, group day care home care, or family day care home care.

39. Night Care Program is a day care center program providing care for any child between the hours of 7 p.m. and 7 a.m., in which the parent(s) desires the child to sleep.

47. Provider is a public or private organization or individual who for profit or not-for-profit delivers day care service for children, either directly or through contract.

51. Single-Site Day Care Center is one day care center operating independently at one physical site.

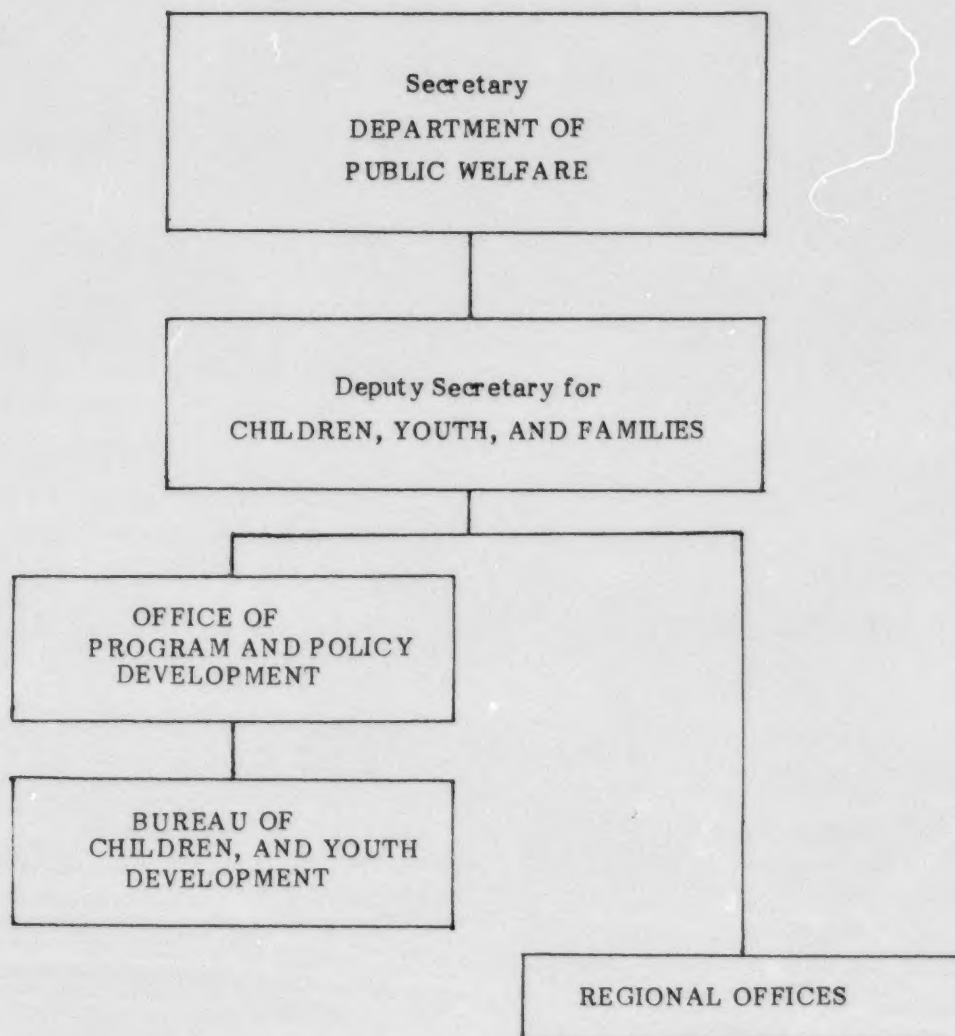
55. Specialized Services are services provided to children with disabilities which provide individual growth and developmental programs to enable the child to acquire the skills necessary for successful progress through the sequential stages of affective, cognitive, communicative, perceptual-motor, physical, and social development.

112. Exclusions and Exemptions

4. Day Care Service for Children shall not include day care furnished in places of worship during religious services.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

In Pennsylvania, licenses are issued and revoked at the state central office level. The day to day licensing functions are carried out at the regional level with monitoring by and consultation from the state central office.

122. Responsible Official

All inquiries should be addressed to:

Licensing Coordinator
Bureau of Child and Youth Development
Office of Program and Policy Development
Department of Public Welfare
1514 North 2nd Street
Harrisburg, Pennsylvania 17102
(717) 961-4371

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

PA. PUBLIC WELFARE CODE, Art. X §1021 Regulation.

The department is hereby authorized and empowered to adopt regulations establishing minimum standards for building, equipment, operation, care, program and services and for the issuance of license.

212. Advisory Body and Other Community Participation

PA. PUBLIC WELFARE CODE, Art. X Additional Provisions Respecting Certain Institutions; Purpose; Definitions; Standards; Inspections.

In the establishment, amendment or revocation of standards, the department shall confer with an advisory committee of not less than seven or more than eleven persons, to be appointed by the secretary with the consent of the Governor, from representatives of recognized agencies and religious organizations conducting institutions and from the public at large. The secretary or someone designated by him shall be the chairman of the advisory committee.

220. LICENSING PROCEDURE221. Application and Issuance

PA. PUBLIC WELFARE CODE, Art. X §1001 Operation and Maintenance Without License Prohibited.

No person shall maintain, operate or conduct any facility, as defined herein, without having a license therefor issued by the department.

PA. PUBLIC WELFARE CODE, Art. X §1003 Application for License.

Any person desiring to secure a license for maintaining, operating and conducting facility shall submit an application therefore to the department upon forms prepared and furnished by the department, together with such other information as the department shall require. Application for annual renewal of license shall be made in the same manner as application for original license.

222. Fee Charged

PA. PUBLIC WELFARE CODE, Art. X §1006 Fees.

No fee shall be required for the annual license in the case of day care centers, family day care homes, boarding homes for children or for public or non-profit mental institutions.

223. Areas of Investigation

PA. PUBLIC WELFARE CODE, Art. X §1007 Issuance of License.

When, after investigation, the department is satisfied that the applicant or applicants for a license are responsible persons, that the place to be used as a facility is suitable for the purpose, is appropriately equipped and that the applicant or applicants and the place to be used as a facility meet all the requirements of this act and of the applicable statutes, ordinances and regulations, it shall issue a license and shall keep a record thereof and of the application.

224. License Renewal

PA. PUBLIC WELFARE CODE, Art. X §1009 Term and Content of License.

All licenses issued by the department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the department, shall not be transferable, shall be issued only to the person for the premises and for the facility named in the application and shall specify the maximum number of individuals who may be cared for in the facility at any one time. The license shall at all times be posted in a conspicuous place on the applicant's premises.

See also 221. Application and Issuance

225. Conditional/Provisional Licenses

PA. PUBLIC WELFARE CODE, Art. X §1008 Provisional License.

When there has been substantial but not complete compliance with all the applicable statutes, ordinances and regulations and when the applicant has taken appropriate steps to correct deficiencies, the department shall issue a provisional license for a specified period of not more than six months which may be renewed three times. Upon full compliance, a regular license shall be issued immediately.

226. Substantial Compliance

60. When a waiver is sought from any of the following regulations, the provider shall submit a written request to the Bureau of Child Development Programs of the Department, through the appropriate Regional Office of the Department. The request shall be reviewed by the Director (or Acting Director) of the Bureau of Child Development Programs, one Early Childhood Specialist from the Department of Education, Division of Early Childhood Education, and one Regional Office Staff Person as selected by the provider. These three persons shall make a decision as to whether or not a waiver shall be granted.

230. ENFORCEMENT PROCEDURES231. Facility Inspections

PA. PUBLIC WELFARE CODE, Art. X §911 Visitation and Inspection.

The department shall have the power, and its duty shall be to make and enforce rules and regulations for a visitation, examination and inspection of all supervised institutions.

PA. PUBLIC WELFARE CODE, Art. IX §1016 Right to Enter and Inspect.

For the purpose of determining the suitability of the applicants and of the premises or whether or not any premises in fact qualifies as a facility or the continuing conformity of the licenses to this act and to the applicable regulations of the department, any authorized agent of the department shall have the right to enter, visit and inspect any facility licensed or requiring a license under this act and shall have full and free access to the records of the facility and to the individuals therein and full opportunity to interview, inspect or examine such individuals.

An authorized agent of the department shall also confer with the operators of facilities regarding the minimum standards of the department, encourage the adoption of higher standards and recommend methods of improving care and services.

232. Denial, Suspension, Revocation of a License

59. All facilities require approval or licensure as specified by the Department's regulations on Licensure or Approval of Facilities in order to operate. Appeals related to the Department's approval or licensure may be made pursuant to the Administrative Agency Law and the Department's regulations on Licensure or Approval of Facilities.

PA. PUBLIC WELFARE CODE, Art. X §1026 Refusal to Issue License; Revocation; Notice.

Whenever the department, upon inspection or investigation, shall learn of violation of this act or of regulations adopted by the department pursuant to this act, it shall give written notice thereof to the offending person to take action to bring the facility into compliance with this act or with the relevant regulations within a specified time.

The department shall refuse to issue a license or shall revoke a license for any of the following reasons:

Violation of noncompliance with the provisions of this act or of regulations pursuant thereto;

Fraud or deceit in obtaining or attempting to obtain a license;

Lending, borrowing or using the license of another, or in any way knowingly aiding or abetting the improper granting of a license;

Gross incompetence, negligence or misconduct in operating granting of a license;

Mistreating or abusing individuals cared for in the facility.

Whenever the department revokes or refuses to issue a license, it shall give written notice thereof by certified mail. Such notice shall specify the reason for the refusal or revocation.

233. Remedies and Sanctions

233.1 Hearings

Not specified

233.2 Decisions

PA. PUBLIC WELFARE CODE, Art. X §1055 Injunction or Restraining Order When Appeal is Pending.

Whenever the department shall have refused to grant or renew a license, or shall have revoked a license required by law to operate or conduct a private institution, or shall have ordered to person to refrain from conduct violating the rules and regulations of the department and the person deeming himself aggrieved by such refusal or revocation or order shall have appealed the action of the department, the court may, during pendency of such appeal, issue a restraining order or injunction upon proof that the operation of the private institution or its failure to comply with the order of the department adversely affects the well-being and safety of the patients or inmates in the private institution.

233.3 Judicial Review

PA. PUBLIC WELFARE CODE, Art. IX §1031 Violation; Penalty.

Any person operating a facility within this Commonwealth without a license required by this act, shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300), and costs of prosecution, and in default of the payment thereof to undergo imprisonment for not less than ten day nor more than thirty days. Each day of operating a facility without a license required by this act shall constitute a separate offense.

PA. PUBLIC WELFARE CODE, Art. IX §1052 Action Against Unlicensed Institutions.

Whenever a license is required by law for the establishment, operation or conduct of a private institution, the department responsible for issuing such license, upon advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting any person from establishing, conducting or operating any private

institution during the period after a license to engage in such activity has been refused, has not been renewed or has been revoked by the department.

PA. PUBLIC WELFARE CODE, Art. IX §1053 Actions Against Violations of Law and Rules and Regulations.

Whenever any person, regardless of whether such person is a licensee, has violated the law of this Commonwealth pertaining to the licensing of a private institution or the rules and regulations adopted pursuant to such laws by the department, the department, upon the advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting such person from engaging in such activity.

PA. PUBLIC WELFARE CODE, Art. X §1056 Injunction or Restraining Order When No Appeal is Pending.

Should a person who is refused a license or the renewal of a license to operate or conduct a private institution is revoked, or who has been ordered to refrain from conduct or activity which violates the rules and regulations of the department, fail to appeal or should such appeal be decided finally favorably to the department, then the court shall issue a permanent injunction upon proof that the person is operating or conducting a private institution without a license as required by law, or has continued to violate the rules and regulations of the department.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

63. The provider shall maintain all policies, records, and reports that are required in these regulations. These policies, records, and reports shall be reviewed and updated at least annually.

64. The provider shall be responsible for submitting the statistical reports required by the Department. The provider shall be notified by the Department at least 3 months in advance of the date on which any new reports must be submitted.

67. The provider shall submit a report to the appropriate Regional Office of the Department within 24 hours after occurrence of an unusual accident, such as the death or serious injury of a child while at the facility or when a fire occurs which requires the services of a fire department. A serious injury is defined as one requiring in-patient hospitalization.

77. An administrator shall be employed for each multi-type day care system.

78. The administrator shall have the following responsibilities:
administering the operation of finances, personnel, maintenance, meal planning and preparation, janitorial services, and transportation, if provided;

insuring that program objectives and activities are carried out;

holding regular staff meetings to discuss program plans and interpret policies;

providing for orientation and ongoing competency-oriented in-service training for all staff and volunteers;

insuring the maintenance of records and reports which are required by the Department;

assuring that the specific skills and training of the staff are reflective of the population served; and,

designating a person to be responsible in his/her absence for any part of the day.

80. A director shall be employed for each single-site day care center or multi-facility day care system. Exception: Any single-site day care center providing care for 30 (or the closest higher multiple of the staff-child ratio of the children in care) or less children may employ a director/group supervisor who fulfills the responsibilities of both the director and the group supervisor and meets the qualifications of the director. The director/group supervisor may be included in direct caregiving staff for the period of the day where he/she is providing direct care for the children.

81. When an administrator is not employed, a director shall have the following responsibilities:

- administering the operation of finances, personnel, maintenance, meal planning and preparation, janitorial services, and transportation if provided;

- insuring that program objectives and activities are carried out;

- holding regular staff meetings to discuss program plans and interpret policies;

- providing for orientation and ongoing competency-oriented in-service training for all staff and volunteers;

- insuring the maintenance of records and reports which are required by the Department;

- assuring that the specific skills and training of the staff are reflective of the population served;

- designating a person to be responsible in his/her absence for any part of the day;

- coordinating and planning daily activities with the group supervisor;

supervising direct caregiving staff; and,

developing the overall program.

82. When an administrator is employed, a director shall have the following responsibilities:

coordinating and planning daily activities with the group supervisor;

supervising direct caregiving staff;

developing the overall program with the administrator; and,

assisting the administrator in the administration of the facility.

85. The group supervisor shall have the following responsibilities:

planning and implementing of daily program activities;

coordinating activities of assistant group supervisor and aides; and,

assisting the director with designated activities.

88. The assistant group supervisor shall have the following responsibilities:

assisting in the implementation of daily activities under the guidance of the group supervisor; and,

coordinating daily activities and supervising aides in the absence of the group supervisor.

91. An aide shall have the following responsibility:

assisting in the implementation of daily activities under the guidance of the group supervisor and/or the assistant group supervisor.

94. The responsibilities of the food service worker shall include:
assisting with planning of menus;

food ordering;

food service record keeping; and,

preparation, cleanup and storage of food.

256. Head Start Day Care Program shall comply with the staff-child ratios as specified (in Section 411) during those hours which exceed 6 hours of operation each day.

312. Telephone

129. Each facility shall have a telephone and number which is listed.

313. Proof of Operator Financial Capabilities
Not specified

314. Insurance

65. The provider shall have general liability insurance covering personal liability, insurance to cover medical expenses, and accident insurance to cover the facility, facility staff and volunteers, and the children and their parents while present on the premises. The provider shall keep a copy of the insurance policy on file.

320. PERSONNEL

321. Publication of Personnel Policies
Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS341. Children

210. An application shall be completed and signed by the parent(s) which shall include the following:

name and birthdate of child;

any special disability, if applicable;

full names, home and work addresses, and home and work telephone numbers of parents;

name, address, and telephone number of child's physician or source of medical care;

name, address, and telephone number of emergency contact person as designated by parent(s);

health insurance coverage for the child under family insurance policy or medical assistance benefits, if applicable;

any special medical or dietary information from the child's parent(s) or physician necessary for management in an emergency situation or helpful for providing adequate care for the child; and,

any additional information on special needs of the child, as specified by the child's parent(s).

211. If the child is to be admitted for day care service, an agreement shall be signed by the administrator or director and the parent(s) which shall specify the following:

amount of fee to be charged per day or per week (when applicable);

dates fees will be paid (when applicable);

services to be provided by the provider, including arrival and departure times;

person(s) designated by parent(s) to whom the child may be released;

date of child's admission; and,

any services which are to be considered as extra.

212. Both the parent(s) and the provider shall have copies of the agreement.

216. The provider shall have an individual record for each child enrolled. Information in these records shall be kept current and checked for accuracy every 6 months.

217. Each child's record shall contain the following:

completed application signed by the parent(s) (required prior to admission);

a copy of the agreement signed by the administrator or director and the parent(s) (required prior to admission);

initial and subsequent health appraisal reports;

dates of application, admission, and withdrawal of the child;

written consent signed by parent(s) for emergency medical care for the child and administration of any medications or special dietary needs (required prior to admission);

written consent signed by parent(s) for all transportation provided by the provider, trips, and swimming if the child will be participating in these activities;

record of accidents, injuries, and illnesses which require inpatient hospitalization occurring to the child while he/she is present at the facility and a copy of the report sent to the appropriate Regional Office of the Department in relation to such occurrence; and,

at least semi-annual statements on the child's use of day care service and his/her developmental progress.

The following requirements apply only to drop-in care programs.

251. Each child's record shall contain the following:

Completed application signed by the parent(s):

written consent signed by parent(s) for emergency medical care for the child and administration of any medications or special dietary needs (required prior to admission);

written consent signed by parent(s) for all transportation provided by the caregiver, trips, and swimming if the child will be participating in these activities; and,

record of accidents, injuries, and illnesses which require in-patient hospitalization occurring to the child while he/she is present at the facility and a copy of the report sent to the appropriate Regional Office of the Department in relation to such occurrences.

252. A copy of the child's record shall be transferred by the provider to the parent(s) or to any person at the request of the parent(s) when the child is no longer being served.

342. Staff

227. Each employee's record shall include the following:
name, address, birthdate, training, experience, education, and other qualifications;

report of initial health appraisal and subsequent annual health appraisals; and,

2 written references from persons other than the prospective employee's family who can vouch for the person's suitability to work with children.

343. Child Eligibility and Enrollment Requirements

209. The following activities shall be performed in processing admissions:
the parent(s) shall apply either directly to the facility or through an appropriate agency and be interviewed to determine the suitability of the service for the child;

the parent(s) shall be informed about the daily activities of the facility, hours for which care can be provided, fees, policies, responsibilities for meals, clothing, health policies, and supervision, transportation and pick-up arrangements, the need for continuing frequent contacts with the staff, and any other responsibilities of the staff and provider as specified in these regulations; and,

the child shall be seen, interviewed and/or observed, and when possible shall have the opportunity to visit the facility with the parent(s) before being accepted for care. The child shall be told as much about the service being planned as he/she can understand.

See also 341. Children

344. Child Abuse Reporting

66. The provider shall report immediately any child suspected of being abused to the ChildLine and Abuse Registry operated by the Department. The report shall be made on the ChildLine using the Statewide toll-free telephone number 800-923-0313. Immediately after contacting the ChildLine, the provider shall verbally notify the Child Protective Service (CPS) unit of the county public child welfare agency with the county where the child suspected of being abused resides. Within 48 hours of contacting the ChildLine, the provider shall submit a written report to the same Child Protective Service (CPS) unit which he/she verbally notified of the suspected child abuse.

345. Confidentiality of Records Requirements

218. All child records shall be kept confidential and in a locked cabinet. Unrestricted access to the child records shall be limited to the administrator/director and to the Department and its authorized agents and only for the purpose of supervising the facility. All other persons who require access to the child records shall obtain written permission from the child's parent(s).

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

84. A minimum of one group supervisor shall be employed for each facility providing care to any number of children. A ratio of one group supervisor to 45 (or the closest higher multiple of the staff-child ratio of the children in care) children shall be maintained for each facility providing care to more than 45 (or the closest higher multiple of the staff-child ratio of the children in care) children.

87. A minimum of one assistant group supervisor shall be employed for each facility providing care for any number of children. Additional assistant group supervisors shall be employed so that at least 50% of the direct caregiving staff is comprised of persons with assistant group supervisor qualifications and responsibilities or above. Exception: For infants in similar developmental level groupings, a ratio of 1 assistant group supervisor to 16 infants shall be maintained for each facility providing care to more than 32 infants.

90. Aides shall be employed, where needed, to maintain the staff-child ratios specified.

98. The following ratios of direct caregiving staff physically present with the children at any one time to children shall apply:

Similar Developmental Level	Staff	Children
Infants	1	4
Toddlers	1	5
Preschoolers	1	10
School-Age Children	1	12

Mixed Developmental Level	Staff	Children
Infants/Toddlers	1	4
Infants/Toddlers/Preschoolers	1	6 (including no more than 3 infants/toddlers)
Infants/Toddlers/Preschoolers/ School-Age Children	1	6 (including no more than 3 infants/toddlers)
Infants/Toddlers/School-Age Children	1	9 (including no more than 3 infants/toddlers)
Preschoolers/School-Age Children	1	10 (including no more than 6 preschoolers)

99. There shall be a minimum of 2 staff readily available at the facility at all times children are in care.

232. In night care programs when children are sleeping, the following staff-child ratio shall apply:

Developmental Level	Staff	Children
Infants/Toddlers/Preschoolers	1	8
School-age Children	1	15

233. At least 1 staff member shall be awake at all times and shall check on the children at least every two hours.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

153. Grouping of children shall not be restricted to either similar developmental level groupings or mixed developmental level grouping, when programmatic content indicates the opposite type of group is appropriate.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

75. All direct caregiving staff shall be at least 17 years of age.

512. Health

175. All staff, including temporary and substitute employees and volunteers who serve on a regular basis, who come into contact with the children, or who work with food preparation, shall have a health appraisal within 3 months prior to providing initial day care service and annually thereafter. Health appraisals shall be certified by a licensed physician. The health appraisal shall include:

a physical examination;

tuberculosis screening and follow-up which assures freedom from communicable TB (screening required only every 2 years);

detection of chronic diseases that require medication or restriction of activity; and,

any information noting any special medical problem which would interfere with the health of the children or prohibit the individual from providing adequate care for the children.

If day care employment or service to children is interrupted or sporadic during the year, 1 annual health appraisal shall be sufficient, as long as the health appraisal is performed 3 months prior to providing initial day care service.

176. When suspicion arises that any staff or volunteer has a communicable disease of a serious nature, such as strep throat, salmonella, or conjunctivitis, an immediate examination and recommendation by a licensed physician shall be required. Health precautions as recommended by the licensed physician shall be taken to assure the health of the children.

177. Any staff or volunteer who has a discharging or infected wound, sore or lesion on hands, arms, or any exposed portion of the body, shall be excluded from those operations which will bring him/her into contact with food, beverages, utensils or equipment used in the facility's eating or drinking places, and infant care.

178. Staff with cold sores (herpes) infections shall not be permitted to care for infants under 3 months of age.

513. Education

86. A group supervisor shall have the following qualifications:

completion of an undergraduate program at an accredited college or university with a bachelor's degree in early childhood education, child development, special education, elementary education, or the human services field; or,

completion of an undergraduate program at an accredited college or university with a bachelor's degree; and teaching certification in early childhood education, child development, special education, elementary education, or the human services field; or,

completion of an undergraduate program at an accredited college or university with an associate's degree or its equivalent in early childhood education, child development, special education, elementary education, or the human services field; and 2 years work experience related to the care and development of children.

89. An assistant group supervisor shall have the following qualifications:
a high school diploma or general educational development certificate;
15 credit hours in early childhood education, child development, special
education, elementary education, or the human services field; and 1
year work experience related to the care and development of children;
or,

a high school diploma or general educational development certification
and 3 years work experience related to the care and development of
children.

92. An aide shall have the following qualifications:
a high school diploma or general educational development certification;
or,

an 8th grade education and 2 years experience related to the care and
development of children.

514. Experience

96. Certified competency-based training may be substituted for any
position for equivalent education and/or experience requirements.
Equivalencies shall be determined by the Bureau of Child Development
Programs of the Department and the appropriate Regional Office of the
Department.

See also 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

79. An administrator shall have the following qualifications:

completion of a graduate program at an accredited college or university with a master's degree in administration, early childhood education, child development, special education, elementary education, or the human services field which includes at least 15 credit hours in administration/supervision and/or child development related courses; or,

completion of an undergraduate program at an accredited college or university with a bachelor's degree in administration, early childhood education, child development, special education, elementary education, or the human services field, and 3 years work experience in the human services field which includes at least 2 in administration/supervision.

83. The director shall have the following qualifications:

completion of a graduate program at an accredited college or university with a master's degree in administration, early childhood education, child development, special education, elementary education, or the human services field; or,

completion of an undergraduate program at an accredited college or university with a bachelor's degree in administration, early childhood education, child development, special education, elementary education, or the human services field; and 2 years work experience related to the care and development of children; or

completion of an undergraduate program at an accredited college or university with an associate's degree or its equivalent in administration, early childhood education, child development, special education, elementary education, or the human services field; and 4 years work experience related to the care and development of children.

524. ExperienceSee 523. Education530. SUPPORT STAFF QUALIFICATIONS

76. All volunteers shall be at least 15 years of age. Volunteers may be counted as direct caregiving staff in the staff-child ratio as long as the staff qualifications as specified in these regulations are met.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

147. A written plan of daily activities and routines, in addition to free play, shall be established. The plan shall be flexible to accommodate the needs of individual children and the group as a whole.

148. Daily activities shall promote the development of skills, social competence, self-esteem, and positive self-identity. Daily experiences shall recognize the child as an individual and give some choice of activities that respect personal privacy, life-style, and cultural background.

152. Weather permitting, all children shall be taken out of doors daily.

234. In night care programs bedtime schedules shall be established for children in consultation with the child's parent(s).

236. In night care programs evening quiet time activity such as story-time, games, art and craft activities, and reading shall be provided to each child arriving before bedtime.

612. Program Equipment and Materials

132. Play equipment and materials shall be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There shall be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.

134. Play equipment and materials shall include items from each of the following 6 categories:

materials for dramatic role playing (for example, dress-up clothes, costumes, puppets, housekeeping equipment);

toys and materials for cognitive development (for example, games, books, puzzles, flash cards);

toys and materials for visual development (for example, mobiles, film viewers, non-breakable mirrors);

toys and materials for auditory development (for example, records, record player, musical instruments);

toys to handle and manipulate and art materials for tactile development (for example, clay, paint, scissors, blocks, sand, water, squeeze toys, stuffed animals, beads, rattles); and,

toys and equipment for large muscle development (for example, swings, balls, sports equipment, climbing apparatus, bicycles, tumbling mats, large cardboard boxes, jump ropes).

613. Nap Provision

106. The same area shall not be used for sleeping/napping and play at the same time.

142. Each child, except school-age children who do not take naps, shall have individual clean, age-appropriate rest equipment, such as a crib, cot, bed, mat, or bedding which shall be labeled with the child's name and used only by the child while enrolled in the program. Seasonably appropriate top and bottom covering, such as sheets or blankets, shall be provided.

143. At least two feet (6 decimeters) of space shall be provided between beds, cots, cribs, or other rest equipment while in use.

239. In night care programs children shall be provided with beds equipped with comfortable springs, mattresses, sheets, pillows, pillow cases, and blankets. No children shall share a bed. Double beds shall not be permitted. Bed linens shall be changed at least once a week.

240. In night care programs the upper level of double-deck beds shall not be used for children under 10 years of age. The upper level of double deck beds shall be allowed for children 10 years or older if a bed rail and safety ladder is provided.

614. Discipline and Guidance

149. Staff shall not use any form of physical punishment, including spanking. Disciplinary methods shall not humiliate, shame, or frighten the child.

237. In night care programs no physical restraints shall be used to confine children to bed.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

712. Health Assessments

150. Ongoing efforts shall be made to provide for the early identification of all children suspected of having special physical, social, intellectual, or emotional problems and for their referral to specialized services.

160. Each enrolled child shall have an age-appropriate health appraisal on record with the provider not more than 3 months following enrollment. Age-appropriate health appraisals shall be required and updated according to the recommended schedule for routine health supervision of the American Academy of Pediatrics. Health appraisals shall be certified by a licensed physician and shall include:

a review of previous health history;

a physical examination;

growth assessments;

a review and update of the child's immunization status to conform with the standards of the U.S. Public Health Service;

provision of age-appropriate screening tests according to the standards of the American Academy of Pediatrics;

any recommendations pertaining to medication required during the day, modifications or limitations of the child's activities and diet, and further medical tests or examinations that may be required;

development of a statement of the child's medical information pertinent to diagnosis and treatment in case of emergency; and,

development of a statement of recommendations for follow-up treatment or special care, if required.

161. A child who participates in the Department's Early and Periodic Screening Diagnosis and Treatment Program (EPSDT) is receiving a health service which meets the child health appraisal (above). A record of the EPSDT screening may be placed in the child's record instead of the child health appraisal.

713. Immunizations

See 712. Health Assessments

714. Sanitation

116. Each facility shall have hot and cold running water. Hot water, in areas accessible to children, shall not exceed 110°F (43°C).

121. There shall be no smoking, cigarettes, pipes, cigars, butts, or ashes in the child care areas or in the food preparation areas while the children are present in the facility.

122. All floors, walls, ceilings, and other surfaces shall be kept clean and in good repair.

144. Linens, blankets, mats, and bedding shall be cleaned at least weekly. Cribs, cots, beds, and mattresses shall be cleaned thoroughly with a cleaning agent at least monthly.

145. Each child shall have a separate clean towel and wash cloth. Paper towels are acceptable for use as both towels and wash cloths. Soap shall be available for use.

154. Children and staff shall be required to wash their hands before meals and after toileting. When necessary, the caregiver shall assist children in handwashing.

173. Any pet or animal present at the facility, indoors or outdoors, shall be in good health, show no evidence of carrying disease, and be a friendly companion for the children. This shall also apply to those pets or animals present at the facility which do not belong to the provider.

715. Daily Illness Screening

See 712. Health Assessments

716. Care of Sick Children

164. When emergency medical/surgical care is needed for a child, the parent(s) or the emergency contact person shall be contacted as soon as practical to the best interest of the child. If the parents or the emergency contact person cannot be reached, the provider shall record in writing the attempts made to inform the parents and the emergency contact person.

165. A staff member who accompanies a child to a source of emergency care shall remain with the child until parent(s) or designee assumes responsibility for the child's care.

169. Children shall not be separated from the group for illness unless separation provides for their own comfort or is required to provide adequate care for the group.

170. The day care staff shall have the option to deny care to ill children on any given day, or, to request that a child be removed from the facility if the child is determined by the day care staff to be too ill to remain in care. The parent(s) shall always be notified when a child becomes ill while in care. If the day care staff decides that a child is too ill to remain in the facility for the remaining period of the day, the day care staff shall notify the parent(s) immediately that the child is too ill to be cared for on any given day, the day care staff shall notify the parent(s) upon receiving the child that care will not be provided. When a facility allows admission of ill children, a plan for care of such children shall be arranged with the parent(s) to assure that the needs of the child for rest, attention, and administration of prescribed medication, if applicable, are met. Contact with the parent(s) and the child's source of health care for purpose of consultation shall be readily available to the day care staff.

717. Medication and Special Diet Provisions

166. No medication of any type, for example, cough drops, vitamins, aspirin, ear drops, aspergum, or cough syrup, shall be given to a child without a physician's current (period of time specified on the instructions), written instructions and written consent from the child's parent(s).

167. A provider who accepts responsibility for administration of medication shall assure proper labeling of medication and record dose and times administered.

168. All medication in the facility shall be kept in a place inaccessible to children. All medication shall be kept in their original containers, labeled with the original prescription label, and have safety lock closures on the containers. All medication requiring refrigeration shall be refrigerated at the proper temperature.

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

104. If there are unsafe areas, such as open drainage ditches, wells, holes, or heavy street traffic, in or near the outdoor play space, there shall be fencing or natural barriers to restrict children from these areas.

117. All medicines, drugs, cleaning materials, detergents, aerosol cans, and other poisonous and toxic materials shall be stored in their original containers and used in such a way that shall not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Such materials shall be kept in a place inaccessible to children and separate from child care areas, food, and food preparation areas.

118. If paint or plaster on any surface which is accessible to children is peeled or damaged, it shall be repaired immediately.

119. When surfaces are repaired or any new surfaces which will be accessible to children are painted, no paint containing lead in excess of .06% shall be used.

120. Poisonous plants shall not be permitted in the facility.

123. All stairs used by the children shall have right hand descending handrails and be illuminated by artificial or natural light. Landings or gates shall be provided beyond each exterior and interior door which opens into a stairway.

124. Where glass is used in traffic areas, a visual strip or other visual identification shall be provided so that the glass is noticeable.

127. Hot water pipes and other sources of heat accessible to children exceeding 110°F (43°C) shall be equipped with protective guards or insulated to prevent children from coming into direct contact with them.

128. No free-standing space heaters shall be used. Space heaters that are fixtures shall be equipped with protective guards to prevent children from coming into direct contact with them. Fireplaces shall be securely screened.

135. Toys, play equipment and any other equipment used by the children shall be of substantial construction and free from rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, and unguarded ladders on slides.

136. Toys and objects with a diameter of less than 1 inch (2.5 centimeters), objects with removable parts that have a diameter of less than 1 inch (2.5 centimeters), plastic bags, and styrofoam objects shall not be accessible to children who are still placing objects in their mouths.

137. Outdoor equipment, such as climbing apparatus, slides, and swings, shall be anchored firmly, in good repair, and placed in a safe location.

140. Furniture shall be durable, safe, easily cleanable, and appropriate to the child's size, age, and disability, if any.

141. High chairs, when used, shall have a wide base and a safety strap.

722. Fire Safety Requirements

Not specified

723. Transportation

192. Providers shall notify local traffic safety authorities about location of the facility and about the program's use of pedestrian and vehicular routes around the day care site. Safe pedestrian cross-ways, pick-up and drop-off points and bike routes shall be appropriately determined in the vicinity of the facility and communicated to the children and parent(s).

194. The provider shall obtain written consent from the parent(s) for any transportation provided by the provider. The written consent shall specify any special need or problem of a child which might require special care while being transported, such as seizures or a tendency toward motion sickness, and instructions for this special care. A copy of this information and specific training to deal with the child's special need shall be given to the operator or attendant of any vehicle transporting the child.

195. Vehicles used to transport children shall be equipped and operated in conformity with the provisions of the Pennsylvania Motor Vehicle Code.

196. Vehicles used to transport children shall be insured with at least the minimum insurance required by law under the Pennsylvania No-Fault Motor Vehicle Insurance Act.

197. The staff-child ratios in Section 411 in 97 shall apply at all times children are being transported. The driver shall not be counted in the ratio when infants/toddlers are being transported.

198. The operator of the vehicle must be at least 18 years of age and possess a valid driver's license.

199. No vehicle shall begin moving until all children are seated and secured in age-appropriate safety restraints, which shall remain fastened at all times the vehicle is in motion.

200. No more than 3 persons shall occupy the front seat of an automobile.
201. All doors on vehicles shall be locked whenever the vehicle is in motion.
202. Children shall never be left unattended in a vehicle.
203. The back of pick-up trucks shall not be used to transport children.
204. A first aid kit shall be easily accessible in the vehicle at all times the children are being transported.
205. Children shall be released by the driver or attendant of the vehicle only to the child's parent(s) or the person designated by the parent(s) to receive the child.
206. When public transportation is used by the provider, only those transportation requirements as specified in 192, 194, 197, 202, 204, and 205 shall apply.

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

138. All swimming pools shall meet Department of Environmental Resources or county Health Department standards. All in-ground swimming pools located in the outdoor play space area or accessible to children shall be fenced with a locked gate. When children are swimming, supervision shall include at all times at least 1 person certified in Red Cross Advanced Lifesaving or an equivalent certificate by a recognized agency. All staff, volunteers, and other adults who are counted in the adult-child ratio for swimming shall receive basic water safety instructions from the person certified in lifesaving. The following adult-child ratio shall apply when children are swimming:

Developmental Level	Adult	Children
Infants	1	2
Toddlers	1	3
Preschoolers	1	4
School-age Children	1	6

The above adult-child ratio shall also apply when children are swimming at public or private swimming pools, lakes, parks, or other recreational swimming facilities.

139. Portable wading pools shall be permitted if they are emptied and cleaned daily. All children, including school-age children, shall be directly supervised at all times when wading.

726. Emergency Procedures

162. Emergency contact information shall be easily accessible at all times that children are in the facility, being transported by the provider, and on trips, including neighborhood excursions. This information shall be updated every 6 months and shall include:

name, address, and telephone number of the nearest hospital, police department, fire department, ambulance, and poison control center;

means of transportation to the source of emergency care;

name, address, and telephone number of the child's physician or source of medical care;

home and work addresses and home and work telephone numbers of parents;

name, address, and telephone number of emergency contact person;

any special medical information from the child's parent(s) or physician;
and,

any additional information on special needs of the child, as specified by
the child's parent(s) or physician, which might be helpful in handling an
emergency situation.

727. First Aid Supplies

171. Each child care area shall have a first aid kit, which is kept in a place
inaccessible to children. The first aid kit shall contain soap, an assortment of
adhesive bandages, sterile gauze pads, tweezers, tape, and scissors. An
adequate number of first aid kits shall be taken on all trips, with the exception
of neighborhood excursions.

172. At least 1 individual competent in first aid techniques shall be present
with the children whenever the children are in care. Competence shall be
satisfied by successful completion of training provided by a public or private
health professional.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

180. When a facility is open 5 hours or longer, nutritional, appropriately
timed meals and snacks shall be served. No child shall be permitted to be
without a meal or snack for more than 4 1/2 hours.

181. Meals may be provided by the parent(s), upon agreement between the
parent(s) and the day care staff.

182. Menus shall be posted in advance in a prominent place and/or sent home to each family, so that the daily nutritional needs of the child can be met and not exceeded.

246. The following requirements apply only to drop-in care programs.

249. In drop-in care programs if meals and/or snacks are served, the staff shall discuss the general menu plan with the parent(s) so that the daily nutritional needs of the child can be met and not exceeded.

183. Each meal served to children of toddler age or older shall have at least 1 item from each of the following food groups:

dairy products -- milk, milk products, cheese;

protein group -- meat, fish, poultry, eggs, cheese, peanut butter, dried beans, peas, nuts;

fruits and vegetables -- including a variety of green, white, yellow, red vegetables and all fruits; and,

grain group -- whole grain and enriched products such as breads, cereals, pastas, crackers, rice.

184. Food servings shall be portioned suitable for the size and age of the children in care. The amount of food available to children shall be sufficient to permit second helpings.

185. Meals for infants shall be provided according to the following guidelines:
a written statement giving formula and feeding schedule shall be obtained from the parent(s);

if no specific formula is specified by the parent(s), a commercially prepared iron-fortified formula shall be used and unused portions shall be discarded after each feeding;

introduction of all new foods shall be made in consultation with parent(s);

disposable nursers shall be used unless sanitized bottles are provided by the parent(s) or unless a dishwasher is used by the facility to sanitize bottles;

every effort shall be made to accommodate the needs of the child who is being breast-fed; and,

infants 6 months or younger shall be held while being bottle fed.

189. The nutrition program shall provide for the introduction of a variety of food textures and finger foods for use in self-help training. When a child has food allergies or other conditions requiring special diets, or has had vitamin or mineral supplements prescribed by a physician or dentist, the child shall receive the specified diet or supplements in the amount and variety required. Such requirements shall be specified in writing by a licensed physician or dentist.

812. Waiver of Requirements

See 811. Nutritional Requirements

820. FOOD PREPARATION821. Food Preparation and Service Requirements

190. All facilities which do not have kitchens shall have a refrigerator for storage of snacks, juices, and other items that require refrigeration.

93. One food service worker (part-time or full-time) shall be employed for a center preparing meals at the site for up to 50 children. An additional part-time food service worker shall be employed when the center is preparing meals for 50-100 children. Two food service workers shall be employed when the center is preparing meals for 100-200 children. One additional food service worker shall be employed for each additional 100 children over 200 children for whom meals are prepared. Aides shall be assigned to assist at peak work load times in centers where meals are prepared for 100 or more children. This requirement shall not apply for children who bring meals from home or for catered meals prepared away from the facility.

95. A food service worker shall have 1 year of experience in daily food preparation.

900. SOCIAL SERVICES

70. Services additional to these regulations, for example psychological services, child and family counseling, social casework services, medical services, and other related services shall be offered, if required by the child, either directly by the provider, by a subcontractor, by arrangement, or by referral to an appropriate community resource. Such services shall be offered after consulting with and receiving written consent from the child's parent(s).

1000. PARENT PARTICIPATION

155. Children shall be released from the facility only to the child's parent(s) or the person designated in writing by the parent(s) to receive the child.

219. The provider shall provide assistance in interpreting information in the child's record to the child's parent(s).

220. The parent(s) shall be informed they have access to their child's record with the exception of material protected under the provisions of confidentiality statutes.

221. The parent(s) shall have the right to request that additional information, comments, data, or any other relevant materials be added to the child's record and shall have the right to request deletion or amendment of any information contained in the child's record.

222. Parental request for deletion shall be made in accordance with the following procedures:

the parent(s) shall have a conference with the administrator/director to make their objections known if they are of the opinion that adding information is not sufficient to explain, clarify, or correct material in the child's record that is objectionable to them; and,

the administrator/director shall within 1 week after the conference give the parent(s) a decision in writing on the request, stating the reason or reasons for it. If the decision is made to delete, steps necessary to implement the decision shall be taken immediately.

224. At termination of service, each child's record shall be reviewed with the child's parent(s), and where appropriate, with the child, to provide for exchange of information, determination of on-going needs, and of information to be forwarded to subsequent service providers with written parental consent. A copy of the child's record shall be retained for at least three years after termination of service, unless the entire record is transferred by the provider to the parent(s) or to any person or agency at the written request of the parent(s) when the child is no longer enrolled.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

156. Infants and toddlers shall be provided stimulation through being held, rocked, talked to, played with, bathed, and/or carried.

1120. HEALTH AND SAFETY REQUIREMENTS

112. When children are diapered, the facility shall use disposable diapers, a recognized diaper service, or arrange with the parent(s) to provide a daily diaper supply.

113. When the parent(s) provide non-disposable diapers, soiled diapers shall be put in a securely tied plastic bag and returned to the parent(s) at the end of the day. When non-disposable diapers are provided by a recognized diaper service, soiled diapers shall be placed immediately in the container provided by the service or in a securely tied plastic bag.

114. When disposable diapers are used, soiled diapers shall be disposed of immediately into an outside trash disposal or put in a securely tied plastic bag and discarded indoors until outside disposal is possible.

115. Diaper changing surfaces shall be cleaned after each use by washing or by changing a pad or disposable sheeting and sanitized or covered for such use.

248. In drop-in care programs the parent(s) shall provide a supply of diapers when needed, unless other arrangements are made between the parent(s) and the provider.

1130. INFANT NUTRITION

250. In drop-in care programs meals for infants shall be provided according to the following guidelines:

all meals and bottles shall be provided by the parent(s) unless the provider agrees to provide the meals and bottles;

a written statement giving feeding schedules shall be obtained from the parent(s);

every effort shall be made to accommodate the needs of the child who is being breast-fed; and,

infants 6 months or younger shall be held while being bottle fed.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

See DAY CARE SERVICES

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1220. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE SERVICES

(Specialized Day Care Services for Children with Disabilities)

1230. STAFFING

See DAY CARE SERVICES

(Specialized Day Care Services for Children with Disabilities)

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

130. If there are school-age children in the facility, space shall be provided, if desired by the children, where they can study without interruption and without interference from the play of the other children. Rooms used for this purpose shall have table space, lighting of the table space, chairs, pencils, and paper.

157. When a facility serves a school-age child, the provider shall notify the school, either verbally or in writing, of the day care placement. There shall be communication between the school and the day care staff in emergencies and in instances in which the child's developmental progress can be enhanced. The parent(s) shall be notified of this communication.

158. When a facility serves a school-age child, homework supervision shall be provided, if desired by the parent(s) or the child.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

102. Each facility shall have minimum of 40 square feet (372 square decimeters) of indoor space for each child, measured wall to wall inclusive of space occupied by cupboards, shelves, furniture, and equipment, but exclusive of halls, bathrooms, offices, kitchens, locker rooms, and related areas.

103. Each facility shall have a minimum of 65 square feet (604 square decimeters) of accessible outdoor play space for each child. Outdoor play space is considered accessible if it is no more than 1/2 mile (.8 kilometer) from the building. The following exceptions to the space requirement shall be permitted:

a minimum of 32.5 square feet (302 square decimeters) of accessible outdoor play space shall be required for each infant; a minimum of 48.8 square feet (453 square decimeters) (25% less space) of accessible outdoor play space shall be required for each child from age 18-24 months;

less outdoor space if it is offset by a large indoor activity room, as long as the 65 square feet (604 square decimeters) per child requirement is met and the indoor activity room provides for equivalent activity as outdoor play space; and,

less outdoor space if it is scheduled for alternate use, provided that the 65 square feet (604 square decimeters) per child requirement is met for each child based on the number of children using the space at any one time.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

125. A means of ventilation shall be provided in the child care areas. If windows are present, they shall be operable except in air conditioned or mechanically ventilated buildings. All operable windows and doors used for ventilation shall be securely screened.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

107. Each facility shall have a minimum of 1 toilet for each 15 toilet-trained children below school-age and 1 sink for each 25 children below school-age. Each facility shall have a minimum of 1 toilet for each 20 school-age children and 1 sink for each 30 school-age children.

108. Training chairs may be used if emptied and sanitized after each use. Training chairs shall not be counted as toilets.

109. Toilets and sinks shall be at proper heights for children using them or shall be easily approached by means of platforms or steps.

110. All toilets, including training chairs, shall be located in rooms separate from those used for cooking, playing, sleeping, or eating. They must be in close proximity to the space used by the children and should be on the same floor. When they cannot be on the same floor, an adult must accompany children going to and from the toilet area, with the exception of school-age children.

111. Toilet rooms and fixtures shall be kept clean and in good repair. Toilet rooms shall have easily cleanable waste receptacles and in toilet rooms used by adult women, receptacles shall have lids.

238. In night care programs provision shall be made in sleeping areas for the use and storage of clothing and personal belongings. Clothes racks and shelves shall be within easy reach of the child using them.

242. There shall be at least 1 bathtub or shower for each 15 children of toddler age or older. Bathtubs and showers shall be equipped to prevent slipping. If infants are being cared for, there shall be age-appropriate bathing facilities for these children.

243. Bath and toilet rooms shall be located near the sleeping areas.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

See 1530. BUILDING

1530. BUILDING

61. All facilities shall possess a valid license or certificate of approval from the Department of Labor and Industry (or the local Department of Public Safety in the cities of Scranton and Pittsburgh and the local Department of Licensing and Inspection in Philadelphia County), and the Department of Environmental Resources (or the County Department of Health in Allegheny, Bucks, Chester, Erie, and Philadelphia Counties) before approval or licensure from the Department can be granted. After initial inspection by the Department, the provider shall verify annually in writing that the approvals of the facility by the aforementioned state or local agencies have not been withdrawn. A provisional certificate of compliance may be issued to either a new facility or to a previously certified facility if substantial but not complete compliance exists and if the facility is moving toward compliance. Approvals by the state agencies (or local agencies where applicable) mentioned above

need not be obtained prior to issuing an initial provisional certificate of compliance to a new facility or to a facility which has not been previously certified within one year preceding application for the provisional certificate of compliance. For the first renewal of the provisional certificate of compliance such approvals shall be obtained prior to renewal. Before issuing a provisional certificate of compliance to a facility which has been previously certified within one year preceding application for a provisional certificate of compliance, such approvals mentioned above shall be obtained.

1540. HEALTHSee 1530. BUILDING1550. SANITATIONSee 1530. BUILDING1560. NEW CONSTRUCTION

101. Plans for construction or modification of facilities as required by State law or regulation shall be submitted to the Department of Labor and Industry (or the local Department of Public Safety in the Cities of Scranton and Pittsburgh and the local Department of Licensing and Inspection in Philadelphia County) for review and approval.

Except where otherwise noted, all citations are from the Pennsylvania Department of Public Welfare, Bureau of Child Development Programs, Regulations for Specialized Day Care Services for Children with Disabilities (Chapter II, Section 8D of the Department of Public Welfare's Social Services Manual), July, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

9. Base Service Unit is a component of the County Mental Health/Mental Retardation System.

11. Basic Day Care Center is a center in which less than 20% of the total population of children enrolled in the facility are diagnosed as exhibiting disabilities.

13. Children with Disabilities are those children who do not function according to age-appropriate expectations in the areas of affective, cognitive, communicative, perceptual-motor, physical, or social development to such an extent that they require special help, program adjustments, and related services, on a regular basis, in order to function in an adaptive manner. Examples of such children with disabilities may include children who exhibit:

a developmental delay;

a neurologically based condition such as mental retardation, cerebral palsy, autism, epilepsy, or other condition closely related to mental retardation or requiring treatment similar to that required by mentally retarded children;

cultural/familial mental retardation;
a genetic disorder or physiological condition usually associated with
mental retardation;
social/emotional maladjustment; and
a physical disability such as visual impairment, hearing impairment,
speech or language impairment, or a physical handicap.

23. Integrated Day Care Center is a center in which 20-50% of the total
population of children enrolled in the facility are diagnosed as exhibiting
disabilities.

27. Special Needs Day Care Center is a center in which 50% or more of the
total population of children enrolled in the facility are diagnosed as exhibiting
disabilities.

112. Exclusions and Exemptions

Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

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200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

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230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

34. In a group day care home or family day care home, placement of children with disabilities shall be made only if programmatic supportive services can be made available by a day care center, appropriate Regional Office staff, County MH/MR staff, Base Service Unit, or other appropriate agency or individual. Each group day care home and family day care home shall have a specialist(s) licensed or certified in the area of the child's disability, available for consultation.

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83. A copy of a written agreement between the provider and consultants to provide consultant services, if and when such services are deemed necessary, shall be on file for review by the Department. Such an agreement shall state the amount of the reimbursement fee to be paid for such services, a time schedule for provisions of consultation services, and clearly stated responsibilities for the consultation relationship.

312. Telephone

See DAY CARE CENTERS

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

See DAY CARE CENTERS

320. PERSONNEL

321. Publication of Personnel Policies

See DAY CARE CENTERS

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

5. Pursuant to the Pennsylvania Human Relations Act, act of Oct. 27, 1955, P. L. 744, 43 P. S. §951 et seq., as amended, day care facilities shall not deny admission to children with disabilities unless accommodating such children would impose an undue hardship on the facility. The decision to deny services to any child on the basis of disability may be appealed to the Pennsylvania Human Relations Commission.

340. RECORDS REQUIREMENTS

341. Children

81. Each record shall include copies of assessment data, individual program plans, and documentation of the disability or disabilities.

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

74. In order for the child to be admitted into specialized services, the disability or disabilities of the child shall be documented, in writing, by a licensed or certified psychologist, licensed physician, or other specialist licensed or certified in the area of the child's disability.

75. Before a child with a disability is placed in a group day care home or a family day care home, the specialist(s) as specified in (Section 311) shall describe, in writing, any special requirements needed by the child and any special accommodations which the facility must make to accept the child.

76. Upon admission, the director, or the person designated by the director, shall determine initial placement of the child until the individual assessment is completed, which in no case shall exceed 6 weeks.

77. Upon completion of the individual assessment, the facility staff, in a meeting with the child's parent(s) and other professionals where deemed necessary, shall then evaluate the appropriateness of the service for the child, resulting in an individual program plan or a termination of service and referral outside the facility.

78. Written notification of the decision shall be provided to the parent(s) and to the referral agency within 2 weeks of the meeting. Any parent(s) who desires to appeal the decision shall contact the Pennsylvania Human Relations Commission.

79. If it is the final decision that the facility's program cannot meet the developmental needs of the child or that an alternative plan or service would be more appropriate, the provider with written parental consent, shall be responsible for referring the parent(s) to the local Base Service Unit, or other responsible social service or public health agency for further assistance in securing placement.

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

39. The following ratios of Group Supervisors and Assistant Group Supervisors to children shall apply for integrated and special needs day care centers:

Developmental Level	Group Supervisors to Children	Assistant Group Supervisors to Children
Level 1	1:9	1:9
Level 2	1:9	1:9
Level 3	1:12	1:12
Level 4	1:15	1:15

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40. In a basic day care center, the ratios as specified in 84 and 87, Section 87A: Day Care Service for Children - Day Care Centers, shall apply for ratios of Group Supervisors and Assistant Group Supervisors to children.

42. The following ratios of direct caregiving staff physically present with the children at any one time shall apply in Special Needs Day Care Centers:

Developmental Level	Staff	Children
Level 1	1	3
Level 2	1	3
Level 3	1	6
Level 4	1	9

43. The following ratios of direct caregiving staff physically present with the children at any one time shall apply in Integrated Day Care Centers:

Developmental Level	Staff	Children
Level 1	1	3
Level 2	1	4
Level 3	1	7
Level 4	1	10

44. In those centers where a parent is present full time with his/her child, the ratio of direct caregiving staff to children may be reduced by one with permission from the appropriate Regional Office of the Department.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March,] 981

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420. GROUP SIZE

421. Group Size as of March, 1981

46. The following maximum group sizes shall apply in integrated and special needs day care centers:

Developmental Level	Maximum Number of Children Per Group
Level 1	9
Level 2	9
Level 3	12
Level 4	18

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See DAY CARE CENTERS

512. Health

See DAY CARE CENTERS

513. Education

See DAY CARE CENTERS

514. Experience

See DAY CARE CENTERS

515. General Child Caregiver Staff Qualifications

See DAY CARE CENTERS

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

35. In a special needs day care center and an integrated day care center, a director shall have the following qualifications:

completion of a graduate program at an accredited college or university with a master's degree in administration, early childhood education, child development, special education, elementary education, or the human services field which includes at least 15 credit hours related to the disability of the children in care; or,

completion of an undergraduate program at an accredited college or university with a bachelor's degree in administration, early childhood education, child development, special education, elementary education, or the human services field which includes 15 credit hours related to the disability of the children in care; and two years work experience related to the disability of the children in care; or

completion of an undergraduate program at an accredited college or university with an associate's degree in administration, early childhood education, child development, special education, elementary education, or the human services field which includes at least 15 credit hours related to the disability of the children in care; and four years work experience related to the disability of the children in care.

37. In a special needs day care center or an integrated day care center, a group supervisor shall have the following qualifications:

completion of an undergraduate program at an accredited college or university with a bachelor's degree in early childhood education, child development, special education, elementary education, or the human services field which includes at least 15 credit hours related to the disability of the children in care; or

completion of an undergraduate program at an accredited college or university with an associate's degree or its equivalent in early childhood education, child development, special education, elementary education, or the human services field which includes 15 credit hours related to the disability of the children in care; and two years work experience related to the disability of the children in care.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

52. The additional program for children with disabilities shall include the following, as a minimum, which shall be provided directly by the provider:

- plan of developmental activities;
- provision for child and/or family counseling when needed to meet the service goal;
- career development planning and/or staff in-service training; and,
- program administration, program self-evaluation, and program planning.

53. The additional program for children with disabilities shall include the following, as required, which shall be provided through consultant services or by arrangement:

- psychological services;
- hearing and language services;
- physical, occupational, and recreational therapy;
- pediatric services;
- nurse and physician services;
- assessment and evaluation services; and,
- other related services.

54. When a provider provides care for a child who is enrolled in a public or private school system, the program shall be supplementary to the basic program of education and training provided to the child and shall be oriented primarily to leisure time activities and/or supplemental or carry-over developmental program activities.

55. When a provider provides care for a child who is enrolled in a public or private school system, written notification shall be sent by the provider to the school the child attends to inform them of the day care placement, and the provider shall request with written parental consent information concerning the child's educational program which would assist in the development of a supplementary program conducive to a maximum coordination of services.

56. The program established for children shall provide appropriate materials, equipment, activities, and opportunities for growth and development by means of individual program plans including the areas of affective, cognitive, communicative, perceptual-motor, physical, and social development.

57. An individual assessment shall be conducted within six weeks before or after the child is admitted in a day care facility. Such an assessment may be performed by the Base Service Unit, diagnostic clinic, appropriate agency staff, or other licensed or certified professional. Subsequently, complete individual assessments shall be conducted at least once a year and filed with the child's record.

58. Individual assessments shall encompass, but not necessarily be limited to:

current functional level and skill capabilities of the child in the areas of affective, cognitive, communicative, perceptual-motor, physical and social development, including a description of any adaptations which the facility may need to accommodate the child;

documentation of the disability or disabilities;

documentation of the methods of assessment including standardized and non-standardized test scores, developmental scales and checklists, observations and other pertinent information from consultants, staff, and parents;

recommendations for program placement; and,

recommendations for program adjustments and related services.

59. An initial individual program plan, based on the individual assessment and the child's health appraisal shall be developed for each child within two weeks after the individual assessment and the child's health appraisal are completed. If both the individual assessment and the child's health appraisal are completed prior to admission, the initial individual program plan shall be developed within two weeks after admission. The plan shall include:

a statement of the current functional level and skill capabilities of the child in the areas of affective, cognitive, communicative, perceptual-motor, physical and social development;

a statement of long-term goals presented in 6 month intervals;

specific short-term objectives for the child stated in terms that provide measurable indices or progress and expected time for mastering these objectives;

the criteria whereby attainment of a specific objective is defined; and,

the next objective along each continuum of development for the child.

60. Individual program plans, or portions thereof, shall be developed, reviewed, modified, and revised in accordance with individual assessment data and other relevant information and observations which provide a comprehensive understanding of the child's developmental needs. Individual program plans and assessment data shall be kept in writing in each child's record and shall be available upon request for review by the child's parent or legal guardian and representatives of the Department.

61. The entire individual program plan shall be reviewed and, if necessary, modified, and revised at least every 6 months to meet the current needs of the child. Portions of the individual program plan for any child may be reviewed, modified and revised as often as is deemed necessary to meet changing goals and objectives.

62. A program of daily activities and routines for children shall be structured to provide consistency and predictability for the children. However, in this structure of a daily program routine, flexibility shall be allowed to accommodate the needs of individual children as outlined in the individual program plan.

63. A program schedule shall be available for each activity area. Information contained in the schedule shall include, but not be limited to, major goals for each child, time and type of activity planned for each child, and utilization of staff in implementing this program.

612. Program Equipment and Materials

50. There shall be sufficient quantity of appropriate equipment necessary to conduct individual and group programming for children with disabilities.

613. Nap Provision

See DAY CARE CENTERS

614. Discipline and Guidance

See DAY CARE CENTERS

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See DAY CARE CENTERS

712. Health Assessments

66. Each enrolled child shall have an age-appropriate health appraisal on record with the provider not more than one month following enrollment. Age appropriate health appraisals shall be required and updated according to the recommended schedule for routine health supervision of the American Academy of Pediatrics, or more frequently as specified by the child's health provider. Health appraisals shall be certified by a licensed physician. The health appraisal shall include:

- a review of previous health history;
- a physical examination;
- growth assessments;

- a review and up-date of the child's immunization status to conform with the standards of the U.S. Public Health Service;

- provision of age appropriate screening tests according to the standards of the American Academy of Pediatrics;

- any recommendations pertaining to medication required during the day, modifications or limitations of the child's activities and diet, and further medical tests or examinations that may be required;

- development of a statement of the child's medical information pertinent to diagnosis and treatment in case of emergency;

development of a statement of recommendations for follow-up treatment or special care, if required;

specific instructions for the child with seizure disorders for management when a seizure occurs; and,

identification of any medical problem which may place the child at an increased risk of a medical emergency.

67. If any child is identified in the child's health appraisal as having a medical problem which may place the child at an increased risk of a medical emergency, there shall be at least one individual trained to cope with this particular medical problem present whenever the child is in care.

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

See DAY CARE CENTERS

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

See DAY CARE CENTERS

718. Waiver of Health Requirements

See DAY CARE CENTERS

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720. SAFETY

721. General Safety Requirements

See DAY CARE CENTERS

722. Fire Safety Requirements

See DAY CARE CENTERS

723. Transportation

71. The staff-child ratio as specified in (Section 411) shall apply at all times children are being transported. Drivers shall not be counted in the ratio.

724. Safety Requirements for Equipment

See DAY CARE CENTERS

725. Water Activities (Including Swimming)

64. The following adult-child ratio shall apply when children are wading or swimming:

Developmental Level	Staff	Children
Level 1	1	1
Level 2, 3	1	2
Level 4	1	3

In the case of a child with known seizure disorders, there shall be one staff person for each child.

726. Emergency Procedures

See DAY CARE CENTERS

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Children with Disabilities)

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727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

69. The nutrition program shall assure that the consistency of foods is appropriate in relation to any child's feeding problem. Necessary and adaptive feeding equipment and feeding techniques shall be available for children with special feeding needs.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

See DAY CARE CENTERS

900. SOCIAL SERVICES

See DAY CARE CENTERS

1000. PARENT PARTICIPATION

See DAY CARE CENTERS

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

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1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not applicable

1220. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1230. STAFFING

Not applicable

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

48. All facilities which provide care for children with physical handicaps shall have any of the following structural adaptations which are appropriate to the specific needs of each child present as described in the child's individual assessment, including as required:

- ramps on all outside and inside stairs or elevators available for use;
- handrails on both sides of stairs used by the children;
- an entrance ramp with handrails;

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an elevator or inclinator when the program is conducted above the
ground floor; and,
at least three feet (.9 meter) of space between beds and cots.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See DAY CARE CENTERS

1430. EXITS

See DAY CARE CENTERS

1440. TOILETS AND LAVATORIES

See DAY CARE CENTERS

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

Except where otherwise noted, all citations are from the Puerto Rico Department of Social Services, Regulation Number 6 for the Licensing and Supervision of Day Care Centers, December, 1971.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

P.R. LAWS ANN. tit. 8, §1.

For the purposes of this act the following terms shall have the meaning expressed herein below:

"Day-Care Center" shall mean any profitable or nonprofit establishment, regardless of its name, devoted to the care of more than six (6) children during part of the 24 hours of the day.

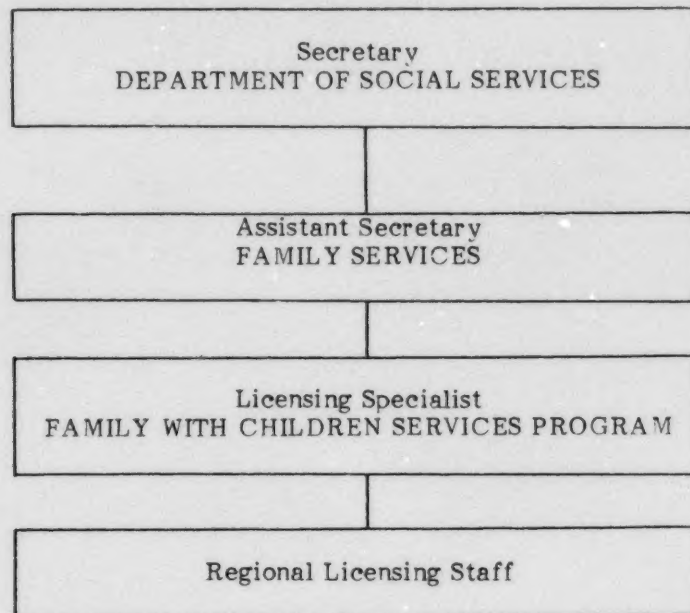
112. Exclusions and Exemptions

P.R. LAWS ANN. tit. 8, §2.

The Department shall be the only agency authorized to issue licenses to any establishment for the care of children established in Puerto Rico, and in such licensing it shall take into consideration the welfare of the minors. This section shall not be applicable to the various camps for adolescents and any other institutions for children heretofore or hereafter established by the Department of Education. Neither shall it apply to establishments for the care of children. This section shall not be applicable to the establishments for the care of children established heretofore or hereafter by the Department of Social Services. In this case, a certificate shall be issued.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

Licensing staff in ten regional offices handle the issuance and revocation of licenses and the day to day monitoring functions under the direct supervision of the territorial office.

122. Responsible Official

All inquiries should be addressed to:

Assistant Secretary, Family Services
Department of Social Services
P.O. Box 11398
Fernandez Juncos Station
Santurce, Puerto Rico 00910
(809) 723-2127

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200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES210. LICENSING PROCESS211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE221. Application and Issuance

P.R. LAWS ANN. tit. 8, §3.

No private person, entity, association, corporation or the Commonwealth Government, or any municipality or other political subdivision, or any department, division, board, agency or instrumentality thereof, with the exception of the Department of Social Services, may establish, operate or maintain an establishment for the care of children without holding a license issued by the Department of Social Services of Puerto Rico for such purposes.

Any persons who cares for one or two children or any person who cares for children who are related by blood or affinity up to the third grade of consanguinity are exempted from complying with this provision.

P.R. LAWS ANN. tit. 8, §6 Concession.

The Secretary or his authorized representative shall issue a license to any establishment for the care of children that requests it and complies with the standards and requirements established in the regulations promulgated by this act. The licenses shall be granted only to the physical plant and the person or entity named in the application and shall not be transferable nor reassignable. The establishment shall display its license where it is visible to the public.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

P.R. LAWS ANN. tit. 8, §6 Renewal.

The licenses shall be issued for a period of two (2) years at the end of which they may be renewed if the licensed establishment continues to fulfill the requirements established by this act and its regulations, and requests said renewal no later than fifteen (15) days before its expiration date.

225. Conditional/Provisional Licenses

P.R. LAWS ANN. tit. 8, §6 Temporary Authorization, Granting, Renewal, Denial, Suspension or Cancellation of Licenses.

The Secretary or his authorized representative may issue a temporary authorization for all newly-created establishments that request a license, to begin their services upon compliance with the minimum requirements established by this act and its regulations. The temporary authorization shall be issued for a term not to exceed six (6) months, at the end of which, if the establishment has complied with all the requirements established by this act and the applicable regulations, it shall be granted the license requested. In the case of a camp which has no fixed structure that carries out its activities for a short period of time in any season of the year, the Secretary will grant a special authorization as long as the minimum requirements provided herein are fulfilled.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

P.R. LAWS ANN. tit. 8, §4.

The Department, through its authorized representatives, may visit and inspect any establishment for the care of children existing in Puerto Rico, whenever it deems it necessary for the purpose of ascertaining whether they are operating according to the provisions of this act and the rules and regulations promulgated hereunder.

232. Denial, Suspension, Revocation of a License

P.R. LAWS ANN. tit. 8, §6 Denial - Suspension and Cancellation.

The Secretary shall deny an application for an original license or a renewal thereof to any operator who does not fulfill the requirements established in this act and the applicable regulations.

The Secretary shall have the power to suspend or cancel a license when the establishment does not comply with one or more of the requirements established in this act or the applicable regulations. The action of suspension or cancellation shall be taken under the circumstances and through the procedures established by regulations; Provided, That a license shall never be suspended for a period greater than three (3) months, except as provided in this act for the cancellation of licenses.

233. Remedies and Sanctions233.1 Hearings

P.R. LAWS ANN. tit. 8, §6 - §7 Right of Appeal.

Any holder of a license referred to in this act shall have the right to appeal from the decision of the Department cancelling, suspending, or denying a license, before the Board of Appeals created under Section 8 of this act. Such appeal shall be filed within thirty (30) days after receiving the notice of suspension, cancellation or denial of the license.

P.R. LAWS ANN. tit. 8, §8 Board of Appeals.

A Board of Appeals is hereby created to be composed of seven members to be appointed by the Secretary of Social Services. Two members shall represent the child care establishments, one member shall represent the Department of Social Services, another shall be a representative of the Assistant Secretary for Environmental Health of the Department of Health, and three shall represent the general public. These last three persons shall have been outstanding for their concern and interest in the social problems of the country. The three persons that represent the general public shall be appointed for a four-year term. The other person appointed by the Secretary of Social Services shall be appointed for a five year term. Once the term for which any member of the Board was appointed has expired, he shall continue in office until his successor has been appointed. The period of time he holds office under this last provision shall not be considered as part of his successor's term.

In case of the death, resignation or disability of one of the members, a new appointment shall be made for the unexpired term of the former member.

The Board of Appeals shall give its decision within the term of thirty (30) days after the case is finally submitted to it. Its decisions shall be appealable to the Superior Court of Puerto Rico within thirty (30) days after having notified the appellant of its decision.

As soon as the decision of the Board is final, the Department shall proceed to ensure its fulfillment.

233.2 Decisions

See 233.1. Hearings

233.3 Judicial Review

P.R. LAWS ANN. tit. 8, §10.

Any person or entity who operates or maintains an establishment for the care of children without holding a license issued by the Department, or who continues to operate it after its license is cancelled, suspended or denied, pursuant to the procedure provided in this act, shall be guilty of a misdemeanor, and, upon conviction shall be punished by a fine not to exceed five hundred (500) dollars or by confinement in jail for a term not to exceed six (6) months, or both penalties in the discretion of the court; besides, any person, agent, director, official or proprietor of an establishment who deliberately offers the Department false information, or who carries out or allows a fraudulent action to be carried out with the purpose of obtaining a license to operate one of the aforesaid establishments, or who obstructs the investigations or supervision of the Secretary's representative, shall incur a misdemeanor and upon conviction, be punished with a fine not exceeding five hundred (500) dollars or confinement in jail not exceeding six (6) months, or both penalties at the discretion of the Court.

P.R. LAWS ANN. tit. 8, §10a.

When the Department has knowledge of any establishment for the care of children that is operating without the corresponding license, because it has been denied, suspended, cancelled or it has not been requested, the Department may file, through the Secretary of Justice, an injunction before the Superior Court to bar the operation of said establishment.

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Article 1 Organization and Administration - Personnel.

Each day care center must have a single authority responsible for its administration and functioning.

The purposes and objectives of each center will be clearly specified in its regulation.

Each day care center must have a Board of Directors, composed of not less than three (3) members, which will be responsible for its functioning.

The Board of Directors will be responsible, among others, for the following functions:

Establish the standards for the operation of the center and to insure their enforcement.

Appoint the Director of the Center.

Collect the necessary funds for the operation of the center.

Maintain records of its agreements and decisions.

Establish the Regulations of the Center.

There must be enough employees for the cleaning of the building in which the center is established, for the preparation, confection and service of food and for the washing and pressing of clothing.

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Article I Organization and Administration - Reports and Records.

The center will have the necessary facilities for maintaining reports and filing correspondence.

A register will be maintained and kept of the children attending the center which will include the admissions and outgoes.

A daily attendance report will be maintained and kept.

Article 6 Supervision of the Center.

The Director and all center personnel will render all the necessary assistance to authorized personnel of the Department of Social Services that come to the center to inspect it, to allow said inspection to be carried out rapidly and efficiently.

When the center is notified of any deficiency that can lead to the cancellation, suspension or denegation of the license, a reasonable term for the correction of the same will be granted, the duration of which will be in accordance with the nature of the deficiency.

In no case will the duration of term to correct the deficiencies found in accordance with paragraph (a) of this section, be less than ten days nor more than six months.

The Director of the center must be notified of all the deficiencies.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities**Article 1 Organization and Administration - Finances.**

The center will have sufficient funds to carry out its activities and provide adequate service for the children.

The center must prepare an annual report, an official copy of which must be sent to the Department of Social Services.

314. Insurance

Article 7 General Dispositions and Derogations.

Every day care center must have public responsibilities insurance policies to cover any harms done to the children.

Must maintain in its files copies of the insurance policies of the center.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Article 1 Organization and Administration - Personnel.

No person who has been convicted of a misdemeanor or of any crime of moral depravity or disorderly conduct or disturbing the peace may be employed in any center. This restriction includes the director or person in charge.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Article 1 Organization and Administration - Reports and Records.

A confidential record will be kept on every admitted child to the center.

The record will be kept in a safe place at the center at all times. Every record must contain the following information: name, birthdate and birthplace of child, residence and address of the father, mother or person in charge, and home and business telephone number of both, date of admission, health certificate and evidence of the posterior medical examinations, pertinent data about the child, authorization for emergency medical care, name and address of the person or persons to whom the child may be released when he leaves the center.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Article 5 Admissions.

No child under two years will be admitted to the centers.

The father or guardian will apply for the admission of the child to the center. The same will require detailed information describing the needs of the family of the minor for the service. Said application will become part of the child's record.

When a child is admitted to the center, the person who has the patria potesta or tutorship of the child will give a written signed statement authorizing that the child be given medical treatment in case of emergency. If at a later time the patria potesta or tutorship of the child will pass to another person, the same authorization will be required of that person.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

See 341. Children

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Article 1 Organization and Administration - Personnel.

There must be at least one person in charge for every eight children between the ages of two or three and a half years and one person for every fifteen children older than three and a half years.

When the center cares for children with physical, mental or emotional problems, there must be one person in charge of every six (6) children.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March, 1981

420. GROUP SIZE421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

Article 1 Organization and Administration - Personnel.

Every employee must undergo an annual physical examination which will include urine, blood and fecal examinations, chest X-rays and ophthalmological examination. All personnel must be free of contagious or communicable diseases, mental diseases or emotional disturbances.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Article 1 Organization and Administration - Personnel.

The Director must be over 21 years of age.

522. Health

Article 1 Organization and Administration - Personnel.

The Director must be physically and mentally healthy, which will be properly accredited.

523. Education

Article 1 Organization and Administration - Personnel.

The Director of the center must be a teacher, nurse or a person who has at least completed four years of High School, and has had enough experience working with children of the same ages as the ones under the care of the center in question.

If the Director does not have direct responsibility for the development of the program of the daily activities with the children, he must demand of the person who has that responsibility the same requisites as those of his position.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Article 2 Services for the Children - Program.

During the children's stay at the center, activities must be provided to meet the chronological and mental age of each child and to fulfill their individual physical, emotional and social needs.

The activities will be informal, active and quiet, indoor and outdoor.

The programs must provide experiences that stimulate creativity in the children through the arts.

A regular daily schedule will be established indicating the hours for eating, sleeping and personal hygiene of the children.

612. Program Equipment and Materials

Article 3 Equipment and Materials - Playground Equipment.

The playground equipment must be adapted to ages and interests of the children and shall be of a safe nature.

Play material must be provided in variety and sufficient quantity in order to stimulate the creative ability of the children and keep them entertained.

613. Nap Provision

Article 3 Equipment and Materials - Rest Equipment.

There must be a bed, cot or straw pad to allow each child to nap.

There must be enough space between each bed, cot or straw pad.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Article 3 Equipment and Materials - Children's Personal Equipment.

Every child must have a personal towel, soap, soap dish, a toothbrush, and a comb stored in a place provided by the center.

Article 4 Physical Plant.

The place or locale utilized to safeguard the foodgoods, the kitchen, the dining room, the place where the children sleep or rest and the sanitary facilities must have good ventilation and will be protected from insects and other animals.

712. Health Assessments

Article 5 Admissions - Medical Examinations.

The child must undergo a medical physical examination before being admitted to the center and at a later time whenever necessary. No child suffering from a communicable disease will be admitted.

713. Immunizations

Article 5 Admissions - Medical Examinations.

Every child that has not been vaccinated against smallpox, typhus, tetanus, diphtheria, mumps, and other common childhood diseases will be referred for vaccination with a previous written authorization from the persons with the patria potesta or tutorship.

714. Sanitation

Article 4 Physical Plant.

The center will have a lavatory and toilet which will be kept clean at all times, for every fifteen children.

715. Daily Illness Screening

Article 5 Admissions - Medical Examinations.

Every child must undergo a daily physical check for the purpose of ascertaining if he has hurts, lesions or any other condition that requires special care. Whenever possible this check must be made in the presence of the person accompanying the child.

716. Care of Sick Children

Article 4 Physical Plant.

Provisions should be made for the isolation of children who develop symptoms of any disease, while pertinent measures are taken.

Article 5 Admissions - Medical Examinations.

No child will be allowed to remain at the center who shows symptoms of any communicable disease or contagious disease. In such a case the parents or guardians will be notified immediately.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY721. General Safety Requirements

Article 4 Physical Plant.

The playground for the children must be protected with a fence at least five feet high, built in a way that does not allow the egress of the children nor the entrance of animals. The fence will have a gate that will always be locked and must have a lock out of the reach of the children.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Article 1 Organization and Administration - Personnel.

Every center must have among its personnel a registered or assistant nurse. In the absence of this, they will have at least one person of proven knowledge in first aid treatment.

Article 1 Organization and Administration - Emergencies.

The center will make arrangements with a dispensary, clinic or health center or with a doctor of medicine licensed in Puerto Rico who is available, for the treatment of emergencies.

727. First Aid Supplies

Article 3 Equipment and Materials.

There will be a first aid kit with all the necessary materials to administer first aid. It will be installed in an appropriate place that is out of the children's reach. It will be hygienically maintained and with sufficient lighting.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Article 2 Services for the Children - Nutrition.

The nourishment in every center must meet the nutritional requirements indispensable in a balanced diet. The nutritional program will be oriented by a competent nutritionist.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION821. Food Preparation and Service Requirements

Article 2 Services for the Children.

A daily menu will be prepared, a copy of which will be placed in a visible place.

There must be potable water in a place accessible to the children.

Article 3 Equipment and Materials - Dining and Kitchen Equipment.

There must be a dining table for every group of six to ten children and sufficient chairs of an appropriate size for them.

The kitchen must have the necessary equipment for the preparation, conservation, and food service. At the Centers that care for children younger than three and a half years old, the kitchen will be equipped to prepare formulas or special foods.

There must be sufficient glasses, plates, and silverware for all the children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Article 2 Services for the Children - Relation with the Families.

The parents or guardians will be kept informed of the children's progress. To such purpose a written report signed by the director will be sent to those persons, at least once every three months. Said report will contain information related to the following: skills of the child, habits, general conduct and any other information that is deemed necessary in the best interest of the child.

Any irregularity, conduct or condition outside the usual that is observed in a child must be immediately reported to the parents or guardians.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

600

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Article 4 Physical Plant.

The Day Care Center must always be located on the first floor. The same must have large classrooms with 25 square feet per child for their activities and a playground.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Article 4 Physical Plant.

The place or locale utilized to safeguard the foodgoods, the kitchen, the dining room, the place where the children sleep or rest and the sanitary facilities must have good ventilation and will be protected from insects and other animals.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Article 4 Physical Plant.

The center will have a lavatory and toilet which will be kept clean at all times, for every fifteen children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS1510. ZONING

Not specified

1520. FIRE

Article 4 Physical Plant.

The locale where the center is located must meet the requirement of the Planning Board, the Bureau of Environmental Health of the Department of Health and the Fire Department.

1530. BUILDING

Not specified

602

DAY CARE CENTERS

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1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Rhode Island Department of Social and Rehabilitative Services, Standards for Day Care Centers and Day Nurseries, 1970.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

R.I. GEN. LAWS §40-15-2 Children's Boarding Home Defined.

Any person who for compensation receives for care or treatment or has in his custody one or more children under the age of sixteen (16) years, unattended by a parent or guardian, for the purpose of providing such child with care and lodging, except children related to him by blood or marriage, or legally adopted by, or legally committed by order of any court to such person, shall be deemed to maintain a children's boarding home.

R.I. GEN. LAWS §40-15-3 Institutions for Which License Required.

Any person, unincorporated society, or corporation desiring to maintain a home for aged, a convalescent home, or a home for mental patients in any of which two (2) or more persons shall be cared for, or a children's boarding home, or a day nursery, shall apply to the director of the state department of social and rehabilitative services for a license to maintain such a home.

112. Exclusions and Exemptions

R.I. GEN. LAWS §40-15-7 Persons and Institutions Exempt.

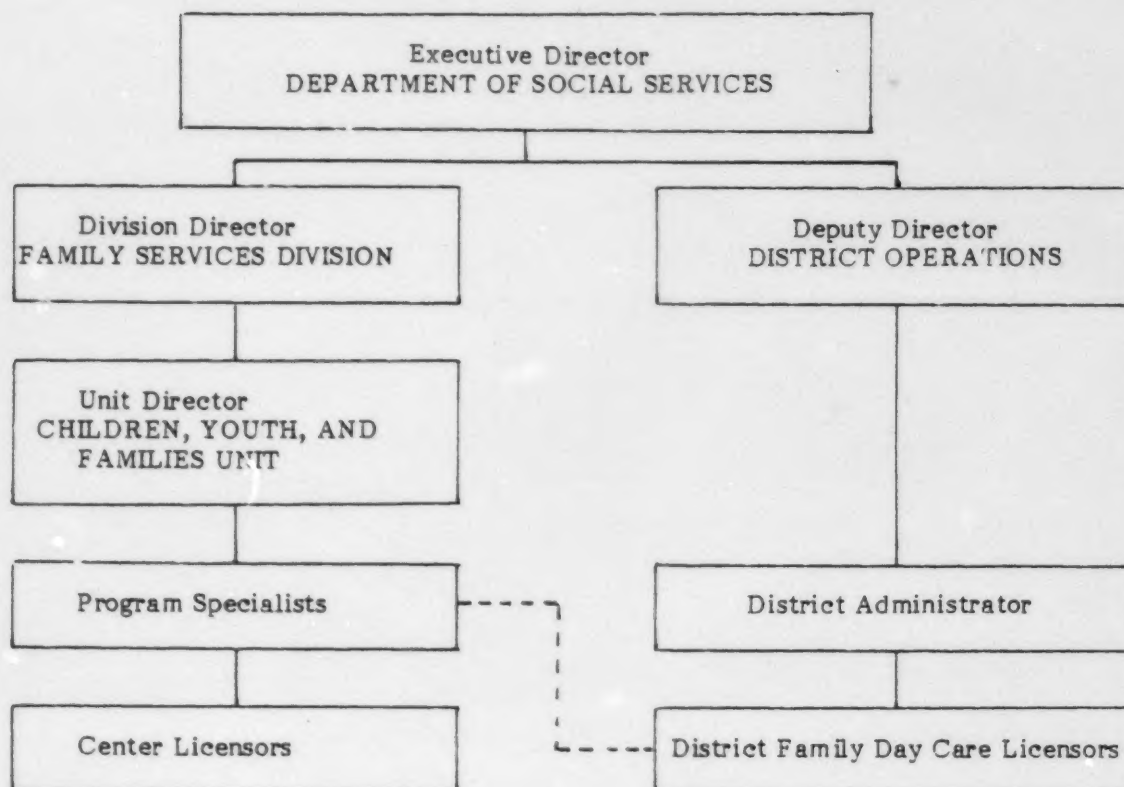
The provisions of this chapter shall not apply to persons caring for relatives, to institutions receiving aid from a town, city or the state or maintained by a town, city or the state, to institutions with special charters, or to charitable institutions established in this state on April 30, 1948; provided, however, that all such institutions providing care and/or service to the aged, disabled, or convalescent persons to which the provisions of this chapter have not previously applied shall be subject to rules and regulations of the department of social welfare. These rules and regulations shall encompass the health, safety, and humane treatment of the residents of the, said institutions; provided further, however, that these rules and regulations of the department of social welfare pertaining to such institutions shall have full force and effect of law and may be enforced by the department by application to the courts of injunctive relief.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit



Day care center licenses are issued and revoked at the state central office level by state based staff under the direct supervision of state central office. Family day care and group day care home licensors are outposted in 14 district offices under the supervision of district administrators. Family day care and group day care home licenses are issued from the district offices under the signature of the Director of the Family Services Division. Program specialists monitor and provide consultation to the district licensing staff.

122. Responsible Official

All inquiries should be addressed to:

Child Development Specialist
Division of Community Services
Department of Children and Families
610 Mt. Pleasant Avenue
Providence, Rhode Island 02908
(401) 277-3446

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

607

220. LICENSING PROCEDURE221. Application and Issuance

Standard One Licensing Laws and Procedures - Mandated by Law.

... Specifically, the General Laws of Rhode Island, 1956, Title 40, Chapter 15 give these requirements for licensing:

Any person, unincorporated society, or corporation desiring to maintain...a day nursery shall apply to the director of the State Department of Social and Rehabilitative Services for a license...

The application for license shall state:

- Name and location
- Name of its owner and person in charge
- Number to be cared for
- Financial ability to carry out contracts
- Provisions for medical care
- Additional information as required...

Upon receipt of application the applicant's request shall be investigated: The premises shall have been inspected and approved by the State Fire Marshal, local chief of fire department, local building inspector, and sanitary inspector. If premises meet the standards, these agents shall approve the premises for one year but subject to semi-annual review.

If Child Welfare Services gives approval of the total program a license is issued for one year.

A license is renewable if standards continue to be met.

Standard Two Education for Young Children in a Day Care Center - Issuance of License.

When the designated official approves a day care center, the Rhode Island Department of Social and Rehabilitative Services issues a license which gives permission for operation. The license states the maximum number of children to be serviced in the Center and the date of validity.

222. Fee Charged

Not specified

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

Standard Two Education for Young Children in a Day Care Center - Renewal of License.

Renewal of the license must be made annually. A designated official of the Child Welfare Services for the State Department of Social and Rehabilitative Services will mail proper notice of expiration of current licenses at least twenty days before expiration thereof and make arrangements for annual re-evaluation visits. The investigation will center upon these factors as defined in the Standards:

- Quality of care provided for children
- Adequacy of total program
 - (health, safety, welfare, education)
- Condition of physical plant and grounds
- Stability of financial plan

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

600

230. ENFORCEMENT PROCEDURES231. Facility Inspections

Standard One Licensing Laws and Procedures - Right of Access.

The designated official is given the right of entrance; the privilege to inspect; and access to records for the purpose of ascertaining the quality of service being rendered to children.

232. Denial, Suspension, Revocation of a License

R.I. GEN. LAWS §40-15-6 Revocation of License.

The state director of social and rehabilitative services shall have the power to revoke any license given under 40-15-5 at any time during the term for which it was given; provided, that the licensee is given reasonable notice of such revocation, and provided, further, that a hearing on such revocation shall be given the licensee at his request at which he may present evidence and be represented by counsel. A refusal to permit such reasonable inspection and examination shall constitute a valid ground for such revocation.

233. Remedies and Sanctions233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

R. I. GEN. LAWS §40-15-11 Penalty for Unlicensed Operation or Refusal to Permit Inspection.

Any one who maintains or conducts such a home without first having obtained a license for the home as herein provided or who maintains or conducts such home after a license has been revoked or suspended or who shall refuse to permit a reasonable inspection and examination of such a home, as herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each week that such home shall have been maintained without a license or for each refusal to permit inspection and examination by the state director of social and rehabilitative services or his agent.

R.I. GEN LAWS §40-15-12 Violations with Respect to Day Nurseries and Children's Boarding Homes.

Any person who violates any provision of this chapter with respect to a day nursery or children's boarding home shall be deemed guilty of a misdemeanor, and upon conviction for a first offense, shall be imprisoned for a term not exceeding six (6) months or be fined not exceeding one hundred (\$100) dollars, and, for a second or subsequent offense, shall be imprisoned for a term not exceeding one (1) year or be fined not exceeding five hundred dollars (\$500), or both such fine and imprisonment; and the attorney-general upon presentation to him by the state department of social and rehabilitative services of evidence of any such violation, shall institute proceedings against the offender.

R. I. GEN. LAWS §40-15-14 Enforcement of Chapter.

It shall be the duty of the director of social and rehabilitative services to prosecute any person, firm or corporation violating the provisions of this chapter, and the director of said department or any duly authorized agent thereof may make complaint for the violation of the provisions of said chapter, and such director or such making such complaint shall not be required to give surety for the payment of costs.

300. ADMINISTRATION310. GENERAL ADMINISTRATION311. General Administrative Requirements

Standard Two Education for Young Children in a Day Care Center.

Daily attendance must be taken in all day care centers and statistical reports submitted to the Division of Child Welfare Services on forms provided by the Department.

When the services of a day care center are to be terminated, written notice of the closing must be sent by the State Department of Social and Rehabilitative Services, through the Child Welfare Services at 610 Mount Pleasant Avenue, Providence, 02908. The license should be attached to the written statement of termination.

Standard Three Organization and Administration.

The responsibility for the organization and administration of a day care center or a day nursery resides in that individual or group which has assumed the authority for its establishment and operation. That is, a center may be operated by a public agency (local, state or federal); a private agency (church, settlement house, voluntary association); an incorporated association; a cooperative (parent, community); an individual; an industrial plant or labor union.

The organizational pattern of the agency will depend upon the stated purposes of the day care center, the community's involvement, the financial resources of the enterprise, and the expertise of its board and their chosen executive director. No matter how simple or how complex the operational structure, administrative responsibility must be assigned, duties defined, and the flow of authority made clear.

A list of the Board of Directors must be submitted with the application for licensing.

The Executive Director, acting for the Board,

administers the program and operates the day care facility

recommends staff of the Board for employment, evaluates them for continuing services, and is the liaison between them and the governing body

implements existing Board policies and gives creative leadership by suggesting new policies and by recommending changes in procedures

is responsible for maintaining standards as set by the licensing authority and governing body

carries major responsibility for giving quality day care service to these children and their families.

interprets the center's purposes and the program to the parents and to the larger community; maintains healthy relations with the community agencies and key groups or individuals who serve as sources of referral; physicians, nurses, teachers, clergymen, social workers

Day care agencies must maintain records and submit reports as required by the state licensing agency. Provision must be made for the protection of records and reports and for insuring the confidentiality of all case records on children and their families.

Monthly, quarterly, and annual statistics must be maintained and submitted as required by the state licensing agency.

312. Telephone

Standard Seven Housing the Day Care Center - Office and Staff Rooms.

....There must be a telephone in the day care center.

313. Proof of Operator Financial Capabilities

Standard Three Organization and Administration - Financing.

Quality day care is expensive. Adequate financing must be available to establish a safe, sanitary facility; such funds will meet debts incurred in the normal course of business.

....There must be clear evidence of business solvency; this may be indicated, for example, by a bank reference.

314. Insurance

Standard Three Organization and Administration - Financing.

...The agency should carry comprehensive liability insurances on premises, employees, and vehicles transporting children and staff. This is for the protection of it owner, the Board, paid staff, and volunteers.

320. PERSONNEL321. Publication of Personnel Policies

Standard Six Personnel-Roles, Policies, Practices.

....The number of people to be employed as staff members and the preparation to be sought in each person depends upon these and related factors:

- Purpose and goals of the program
- Location and space of physical plant
- Number of children and families to be served
- Length the day care center is to be opened
- Length of day time service each child needs
- Financial resources available

When the foregoing factors have been clearly delimited, then the major duties to be performed by the staff should be listed. These will probably include:

- Directing and administering the center
- Employing and assigning staff
- Scheduling staff and facilities
- Planning for admissions procedure
- Grouping and assigning children
- Planning the educational activities
- Teaching the children (as grouped)
- Daily inspection of children on arrival
- Ongoing observation of children
- Keeping records of child development
- Keeping financial records
- Helping with established routines
- Assisting with office details
- Planning and supervising health program
- Maintaining clean, well ordered environment
- Planning and preparing food services
- Helping parents and children with problems
- Strengthening family relationships
- Planning for parent involvement in the program
- Planning for staff development
- Consulting with staff on mental health needs of parents and children
- Assisting with referrals to treatment centers
- Making use of community services

Staff give a program stability and continuity. Therefore, there must be a nucleus of people who work full time; people whom the children and parents know and can depend upon, people in whom the community has confidence. These are the staff members who will utilize the supplemental help of part time specialists, people who are needed only for a fraction of the day or week, but whose skills are necessary to the well-being of children.

A written statement of personnel policies and practices should be prepared by a joint committee of the board and staff. Copies should be made available to all staff members and should be used in the orientation of new staff. This statement should include:

Job descriptions and qualifications for employment.

Defined time and procedure for staff evaluation.

Employment benefits, including health insurance and retirement plan.

Established channels for complaints and suggestions.

Established work day, work week, and scheduling of staff. An employee should have preferably a 35-hour week but never more than 40 hours.

Teachers should have a 7 or 8-hour day. Special scheduling will be necessary if the Center is open for nine hours or longer.

Established salary and wage scales. Received regularly, wages should compare favorably with those paid by other community agencies and institutions for positions having similar qualifications and responsibilities.

Established social security coverage and fringe benefits, in accordance with those offered by other community agencies.

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS34L. Children

Standard Three Organization and Administration.

Day care agencies must maintain records and submit reports as required by the state licensing agency.

The day care center must maintain a permanent register, a daily attendance book, and a central index file which appropriately identifies each child being served. These records, consistently kept, give a continuing account of the agency's pupil population.

Upon admission a folder must be opened for the child. In it must be kept: the application form as completed by the parent and reviewed by the executive; the physician's statement; the health record as submitted and to which additions can be made; the social service "case history"; written authorization from the parent or guardian of how to act in an emergency; and day by day notations as made by the staff to report note-worthy incidents and anecdotes and to give a continuing account for those at work with the child.

.....Signed authorization to the effect that the parent gives permission to the center to act in a grave emergency health situation when the parent cannot be reached or is delayed in arriving.

.... In addition, data should indicate family motivations as evidenced in these repeated contacts; what parents want and need, what the agency expects to give.

342. Staff

Standard Six Personnel - Roles, Policies, Practices - Personnel File.

A personnel file must be maintained for the day care center and should be available for review by the licensing agent. Upon his acceptance for employment, a folder should be opened for each new employee. It should contain:

- Personal data sheet or application giving employee's name, address, age, telephone, school preparation, work experience
- Health documents from physical examinations
- Letters of reference
- Attendance record
- Evaluation of service as made by Director; by other professionals
- Other information as indicated
- Statement at time of leaving employment

343. Child Eligibility and Enrollment Requirements

Standard Two Education for Young Children in a Day Care Center - Basic Requirements.

...A child must have passed his third birthday to be eligible for participation in the program of the day care center.

All children except the exceptional child should possess sufficient motor control and coordination to care for their basic bodily needs.

Standard Four Admission and Social Service Policies.

A basic decision in the establishment of a day care center is to agree on which children are to be served. This decision should be made after a careful review of these factors:

Purpose of the Center as indicated in the charter or set by the corporation or owner.

Need for child care in the geographic area to be served.

Type of program needed by these children and their families and not duplicated by other agencies

Availability of staff prepared and experienced to implement the program

Financial resources available for the annual budget and the supplemental monies expected from fees or parents in this socio-economic level

Size and kind of premises

The decision should make it clear that one special category of need is to be the target; or that a variety of related needs are to be the goal.

Once the basic decision has been made as to which children are to be served, the intake process should begin based on the following considerations:

Need for the day care service is clearly indicated and is in the best interests of this child and his family.

Child is developed sufficiently to benefit from group day care. That is, he gives evidence of emotional readiness to be separated from mother and she is ready to share his care with the staff. He can care for himself in toileting, has a degree of motor control, and is coordinated enough to care for his basic bodily needs.

Child has passed his third birthday. Experience has indicated that children three to six years of age are best for a day care center program and six to fourteen for an out-of-school-hours program; whereas, children younger than three gain more from a child care arrangement with a private family.

Results of a pre-admission health examination show the child to be free from evidence of contagious disease and explain his mental and physical handicaps if any. (Children with handicaps should be admitted only after a team of specialists recommend they try group day care in this setting).

Regularity in attendance can be expected, otherwise the child will not make the gains inherent in an ongoing program rich in social group sharing experiences.

Parent is willing to meet the cost of his appropriate share for the day care services offered.

In a preliminary interview the staff member in charge of in-take determines that this child and his family meet the criteria which have been set for admission. Then he initiates the admission process, using this procedure:

Staff member holds pre-admission conference with parent and child; both are seen separately during part of the period.

Parent indicates readiness to file application.

Staff member and parent open the "History of the Child" record. The parent completes and returns the form.

Pre-admission visit(s) are made by the child and his parents, when the staff (teacher and caseworker) observe for further data for "History of Child."

See also 341. Children

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Standard Three Organization and Administration - Reporting.

Provision must be made for the protection of records and reports and for insuring the confidentiality of all case records on children and their families.

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

Standard One Licensing Laws and Procedures - Basic Requirements.

There must be in each day care center, a head teacher. The additional staff should approximate the following ratio one assistant teacher for 7 to 10, three-year olds; one assistant teacher for 10 to 15, four-year olds; one assistant teacher for 15 to 25, five-year olds. If the maximum number of children in a category is exceeded an additional responsible adult must be provided. A second responsible adult should be readily accessible in case of need. There must be at least two adults on the premises at all times.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981.

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

Not specified

512. Health

Standard Six Personnel-Roles, Policies, Practices - Staff Health Requirements.

In the interest of the health and safety of all who participate in a day care program, every employee must conform to all regulations set by the State Department of Health and the Department of Social and Rehabilitative Services which apply. More specifically:

At the time of original employment every employee must have a complete physical examination, including chest x-ray, small pox immunity, and any other test required by the Center's physician.

The employee must file with the Director documentation signed by a licensed physician that he is in good health, free from contagion, and will not be a source of contagion.

Every employee must have a yearly physical examination and chest x-ray, and file evidence of his continuing good health.

513. Education

Standard One Licensing Laws and Procedures - Basic Requirements.

The goal set The assistant teacher should hold an associate degree with courses in early childhood education or child growth and development. Minimum requirements shall be at least a high school education; minimum of two years of higher education or equivalent life experiences.

Standard Six Personnel-Roles, Policies, Practices - Assistant Teacher.

The assistant teacher should have an associate degree with courses in early childhood education or child growth and development.

Minimum requirements shall be at least a high school education; a minimum of two years of higher education or equivalent life experiences.

514. Experience

Standard One Licensing Laws and Procedures - Basic Requirements.

To provide for continuous patterns of growth and to meet the development needs of the children in the day care centers, the teachers must possess the knowledge, abilities, and understanding essential in caring for young children.

Manpower shortage gives opportunity for a day care center to employ persons who lack professional skills but who are able to relate successfully to children. Whether a volunteer or not, an aide should work directly with a designated professional who always retains the responsibility for the welfare of the children with whom he is charged.

Standard Six Personnel-Roles, Policies, Practices - Definition of Roles.

All staff should contribute by training, experience, personality and character to the total program of the agency. All should have a special awareness of the developmental needs of children. All should be specifically ready for their assignment, or should have expressed the willingness to follow in-service preparation for the roles they are to fill.

520. PROGRAM DIRECTOR QUALIFICATIONS521. Age

Not specified

522. Health

See 512. Health

523. Education

Standard One Licensing Laws and Procedures - Basic Requirements.

The goal set: There should be in each day care center a head teacher who is professionally prepared in early childhood education and experienced in working with younger children. Minimum requirements for this position shall be: bachelor's degree from an accredited college with preferably a major in early childhood education. Substantial credits in courses dealing with early childhood education, plus considerable teaching experience with young children, may be presented in lieu of the bachelor's degree if plans have been initiated for the completion for minimum requirements within a five-year period.

If this person is in charge of a group of children, she must have the full time assistance of another duly appointed adult.

Standard Six Personnel-Roles, Policies, Practices - Definition of Roles.

The director is one who has had experience in administration and professional preparation in a field appropriate for those who work with small children such as social work, education or nursing. The Director and Head Teacher may be one and the same person if all qualifications for both positions can be met.

There must be in each day care center a head teacher who is professionally prepared in early childhood education and experienced in working with young children.

Minimum requirements for this position shall be A bachelor's degree from an accredited college with preferably a major in early childhood education. Substantial credits in courses dealing with early childhood education plus considerable teaching experience with young children, may be presented in lieu of the bachelor's degree if plans have been initiated for the completion of the minimum requirements within a five-year period.

If this staff person is in charge of a group of children she must have full-time assistance of another duly appointed adult.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Standard Six Personnel-Roles, Policies, Practices - Definition of Roles.

Casework service, an integral part of day care programs, is particularly concerned with admittance, refusal, and termination of services to the child; continuing contact with his parents to coordinate and extend the work of the program; and fee setting so that financial arrangements are in accord with family's ability to pay. The social worker should meet these requirements—a master's degree from an accredited school of social work, preferably with experience, and/or orientation in child welfare or early childhood education.

Minimum requirements for a caseworker shall be a bachelor's degree preferably with a major in sociology, psychology, or early childhood development, preferably with social work experience in a recognized social agency.

The agency shall call on trained personnel from other fields as needed: Medicine, Nursing, Nutrition, Education, Psychology.

All persons selected for employment as kitchen and maintenance staff should in character and personality be appropriate for a day care program. In addition, they should be able to maintain high standards in carrying out their specific assignments.

The clock-hours of employment of the clerical staff will depend on the size of the agency. Personnel employed for clerical work should give evidence by training and experience that they can be held responsible for maintaining records, handling funds, and performing other office duties assigned to them.

Volunteers and other auxiliary personnel may be used at the discretion of the agency. They must not be included as Staff to help with the staff-child ratio.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

54L. Program Director

Standard Six Personnel-Roles, Policies, Practices - In-Service Program.

Every effort should be made not only to maintain standards but to improve them. One way is to stimulate staff development by giving on-the-job training, using some of the many resource people in the community; such as, instructors in institutions of higher learning; personnel from state departments of health, welfare, and education, including the state licensing agency; and professionals at work in related agencies in the area.

Other ways to motivate staff include: staff meetings and supervisory help within the day care center; attendance at conferences with follow-up discussions; leaves of absence for study; and ready access to new professional literature.

542. Child Caregiver Staff

See 541. Program Director, and 321. Publication of Personnel Policies

543. Support Staff

See 541. Program Director, and 321. Publication of Personnel Policies

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION610. PROGRAM REQUIREMENTS611. Program of Activities

Standard Two Education for Young Children In a Day Care Center.

To provide for continuous patterns of growth and to meet the development needs of the children in the day care centers, the teachers must possess the knowledge, abilities, and understanding essential in caring for young children.

The program must be submitted in writing to the licensing agent. It should reflect knowledge and understanding of the growth and developmental processes of young children. It should give evidence of attempting to strengthen family ties through showing a concern for all aspects of the individual child's life, within the family and neighborhood as well as in the day care center.

This program must maintain a proper balance between active and quiet play, indoor and outdoor activity, as well as providing an opportunity for individual and group work. It must emphasize regularity in day-to-day routine such as toileting, resting or sleeping, and eating.

The program should have continuity, yet flexibility, in striving to achieve the Specific Educational Goals as outlined in the preceding.

Good planning reflects knowledge and understanding of child development. The same experiences should be planned for the 3 to 6-year old child as in any early childhood education program.

When the daily activities are tuned in to the child's unique stage of development he is given the opportunity for individualization. The program for the various age groups may consider a common criteria of expectancies, but individual differences, and variations in growth and maturation must be recognized, accepted and planned for.

The teacher is the key factor in creating an atmosphere which stimulates love, brotherhood, and generosity. The child must sense that his home standards and values are respected, even when these are in conflict with those of the day care center.

The day care program should facilitate social living by planning activities with the children; by encouraging them to share their experiences; by stimulating conversation, for example, during snack and meals; by expecting each child to take certain responsibilities. The program should facilitate building a good sense of group living while recognizing the uniqueness of each child.

Regularity in the daily routing, especially in toileting and washing, resting or sleeping, and eating should give a sense of stability. The child develops self-mastery and independence as he becomes more aware of his physical needs.

Blocks of time should be arranged to include: Outdoor play which provides for use of large muscles and make available such equipment as building blocks, climbing apparatus, swings, slides, walking boards, kegs, mobile toys and the like.

Indoor work-play which includes creative opportunities for dramatic and imaginative play, games, music, rhythm, art activities, and a variety of experiences for developing motor control and coordination.

Intervals of active and quiet play which provides a balance between stimulation and relaxation.

A chance to participate in small and large groups as well as to engage in solitary activities. Periods where the child selects his own activity should be relatively long and free from interruption. Group activity when teacher-directed is usually not more than fifteen to twenty minutes in duration.

The content of the program must be rich and varied. A related sequence of planned activities to stimulate language development, auditory and visual perception and discrimination, and conceptual learning should be incorporated into the total program.

Freedom to explore the natural environment should encourage observation, investigation, experimentation, and spark curiosity.

Programming should provide for parent observation, participation, and conferencing.

612. Program Equipment and Materials

Standard Seven Housing the Day Care Center - Furnishings and Equipment.

A quality program depends greatly upon the furnishings and equipment. Selected in child-size and in accordance with safety standards they contribute to the physical, social and intellectual development of young children.

The professional staff should choose the equipment. Their selections will be guided by many factors:

- number and age of children
- purpose of the program
- social-economic level of families
- ability and interests of children
- budget allotments

The educational materials should offer opportunities which:

- stimulate curiosity
- offer social experiences
- encourage cooperative play
- develop physical coordination
- inspire creative, imaginative expression

In the selection of furniture and furnishings, criteria include:

- chairs sized for the children
- tables sized for the chairs and suitable for eating and working
- tables with smooth, working surface
- chairs and tables of two different heights

Open shelving should be in each classroom, making toys easily accessible and encouraging orderliness.

Toys and equipment should be:

- safe
- durable
- of non-toxic paint
- of non-splinter wood
- kept in good repair

Equipment selected for outdoor use must be sufficiently rigid and permanently anchored to the ground. This reduces accident hazards. Large muscle development is encouraged by appropriate outdoor playground equipment.

613. Nap Provision

Standard Seven Housing the Day Care Center - Classrooms.

At nap-time, at least two feet of space must be allowed on all sides of each cot except when screened while used or where the cot touches a wall.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY710. HEALTH711. General Health Requirements

Standard Five Health and Nutrition Requirements - Health Program.

The total development of a child involves provisions for all aspects of health. Any acceptable day care program must assume responsibility for maintaining a healthy setting; that is, safe, sanitary premises; appropriate furnishings and equipment; opportunities for play, eating, toileting, rest; criteria about health in admission policies and staff selection.

The day care center and the parents must work together to maintain the well-being of the children as individuals and as a group. The family doctor or health clinic personnel share their knowledge of the child by completing the health form at the time of his admission. The health team at the center—doctor, nurse, director, teacher, social worker and parents—use this knowledge as a springboard for action. A good health program implies that joint planning is going on at the time to assure the continuing well-being of every child.

Provision for protective and preventive health services, including protection from communicable disease, emergency first aid, and appraisal and reappraisal of the health status of children and adults.

Establishment of health education programs for all involved in the day care center program, including children and parents and their families; staff and auxiliary personnel; community health agencies.

See also 341. Children and 512. Health

712. Health Assessments

Standard Three Organization and Administration - Procedure for Admission.

In a preliminary interview the staff member in charge of in-take determines that this child and his family meet the criteria which have been set for admission. Then he initiates the admission process, using this procedure:....

Pre-admission physical examination is made by family physician or agency doctor; and form is filed.

Standard Five Health and Nutrition Requirements - Health Program.

The total development of a child involves provisions for all aspects of health. Any acceptable day care program must assume responsibility for maintaining a healthy setting; that is, safe, sanitary premises; appropriate furnishings and equipment; opportunities for play, eating, toileting, rest; criteria about health in admission policies and staff selection.

The day care center and the parents must work together to maintain the well-being of the children as individuals and as a group. The family doctor or health clinic personnel share their knowledge of the child by completing the health form at the time of his admission.

The health team at the center—doctor, nurse, director, teacher, social worker and parents—use this knowledge as a springboard for action. A good health program implies that joint planning is going on at the time to assure the continuing well-being of every child.

In setting up its health plan local and state regulation must be observed by the day care center and every child must have his basic health and medical needs met.

Pre-admission physical examination is described in admission policies. Using the official form, the examination may be made by the child's own pediatrician, by a community health clinic, or by the center's physician. The record becomes a part of the child's permanent file at the center.

Pre-admission medical history is completed by parent including proof of immunization and vaccination against diphtheria, whooping cough, tetanus, measles, poliomyelitis, and smallpox.

Dental examinations are a must for the preschoolers, and the center should plan with parents for them.

713. Immunizations

Standard Four Admission and Social Service Policies - Procedure for Admission.

Proof of immunization, vaccination, and protection against polio and measles is also filed.

See also 712. Health Assessments

714. Sanitation

Standard Five Health and Nutrition Requirements.

Maintenance of healthful environment for living and learning, where the quality of human relations is conducive to good mental health and where the adults demonstrate acceptable examples of health practices.

The teacher uses daily routines as an excellent opportunity to educate children in skills, attitudes and habits requisite for healthy living. Learning much by observation and by imitation, the child comes to accept:....Toileting and hand washing, using the necessary equipment (tissue, warm water, soap, individual towels) as a matter-of-fact activity.

Ease and effectiveness of maintenance should be considered:

- in construction of classroom walls
- in covering floors
- in painting walls and ceilings

Sound proofing of classrooms is highly desirable.

.....A sanitary drinking fountain with approval nozzle or disposable drinking cups should be placed at the appropriate height; may be attached to the sink. (If not in the classroom, it should be apart from the lavatory.)

The center must comply with all rules and regulations established by local and state authorities for the health and safety of children.

There must be constant attention to any possible source of infection: water supply; sewage; garbage disposal; rodents and/or insects.

The person who serves as custodian should do his work when the children are not present. He must follow a regular schedule which keeps the building thoroughly clean, healthy and safe.

The utility room must be separate from the kitchen, have hot and cold water, and storage space for cleaning equipment and supplies. It must be kept at a high standard of cleanliness.

715. Daily Illness Screening

Standard Five Health and Nutrition Requirements - Policies and Practices.

Daily morning inspection is made upon the child's arrival by the nurse if available, or by the child's teacher. She notes any obvious signs of illness, any change in normal appearance and behavior. Although she does not diagnose, when she detects that the child appears ill, she suggests to the mother that he needs to have medical care, and asks that he return home.

716. Care of Sick Children

Standard Five Health and Nutrition Requirements. - Policies and Practices.

Illness during the day may occur. The nurse, the doctor or social worker, if available, notifies the parent. Otherwise, the teacher takes the child from the group and follows the plan established at the center for handling such emergencies. (Isolation of child with an adult near at hand; notification of parent as pre-arranged with parent at time of admission; planning for medical referral; and filing completed appropriate form in child's folder about the illness.)

Re-admission after illness must follow this procedure:

Parent notifies center that child is sick and the nature of the illness. Parent keeps in contact with center if this is a prolonged illness. Parent may be asked to secure a statement of good health from a physician when the child is ready to return, if he has been absent more than five consecutive days for illness. Operator of the center has the authority to exclude a child when it appears to be wise for the child and the group.

Follow-up treatment advised by the physician should be carefully executed: indicated diet, prescribed medicine, limitations to activity. Medicines must not be administered except by written order of the physician.

See also 726. Emergency Procedures

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Standard Seven Housing the Day Care Center.

The building and grounds must meet state and local laws and regulations, should easily be made safe and comfortable for young children, and should require the least number of controls to assure safety....

Required safety measures include approved:

Radiator guards

Solid guard rails and hand rails at the child's level

Guards at top and bottom of stairwells which open into areas used by children

Floor covering, such as, carpeting, linoleum, asphalt tile, or smooth and splinter-proof wood

Some area should be set aside specifically for health examinations, for the keeping of health supplies, and for children who are taken ill at the center....

Supplies and equipment should be locked away from the children.

722. Fire Safety Requirements

Standard Seven Housing the Day Care Center.

The day care center classrooms for pre-school children must be on the ground floor of the building.

Required fire prevention includes:

No use of portable heaters

Furnace or central heating plant completely enclosed in a room of fireproof construction

Fireproof draperies

Children and staff must participate in monthly fire drills as directed by state fire laws.

The Director must formulate and post in the day care center a written plan for the protection of all persons in the event of fire for their evacuation from the building to areas of refuge in case of fire.

723. Transportation

Standard Three Organization and Administration - Transportation.

Transportation of all children must be properly registered and licensed, and must carry liability insurance.

Any vehicle used to transport children must be properly registered and licensed, and must carry liability insurance.

Vehicles should be equipped with safety locks.

Vehicles must never carry more children than the licensed capacity.

It is recommended that there be a second adult in the vehicle; especially should there be two adults when the vehicle is carrying a full capacity of children or when the children are handicapped.

724. Safety Requirements for Equipment

See 721. General Safety Requirements and 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Standard Five: Health and Nutrition Requirements - Meeting Emergencies.

The day care center and the parents of a child become partners when the child is accepted for care. Thus, the center is responsible for the child when emergency care is required during his hours at the center. Policies and practices should be set up in anticipation of emergency needs; and staff, especially teachers, must be alerted to and ready for special needs.

A professional (teacher, nurse, social worker) should be responsible for morning arrival and for dismissal at whatever time the child leaves the center.

Every day care center must be prepared to administer first aid for minor accidents and, in the case of a serious accident know what to do and what not to do. At least one and preferably all staff members must have training in first aid and in the plan to follow in notifying the parent, in waiting with the child until parent's arrival and in guiding the parent when necessary as to next steps.

Should grave disaster occur—fire, flood, structural damage—staff should be prepared to perform as calmly and safely as possible. They must remain with the children until parents arrive for them.

There must be at least two adults on the premises at all times.

727. First Aid Supplies

Standard Seven Housing the Day Care Center - Health and Medical Area.

Some area should be set aside specifically....for the keeping of health supplies.

The first-aid kit should also be securely locked; yet the key available to adults.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Standard Five Health and Nutrition Requirements.

The teacher uses daily routines as an excellent opportunity to educate children in skills, attitudes and habits requisite for healthy living. Learning much by observation and by imitation, the child comes to accept:

Eating, whether it be a snack at mid-morning or mid-afternoon or a hot meal, as a pleasant social experience.

Nutritious food is an essential contribution to good health. A child who spends five to eight or more hours in the day care center needs a substantial part of his total daily food intake during his stay. That is, a major part of his daily food needs must be provided in the mid-morning snack, usually a hot lunch, and the mid-afternoon snack. In some centers it may be desirable to serve breakfast in addition.

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Food, nutritionally adequate and sufficient in amount, should have a variety of textures and colors pleasing to children. Food, attractively served in a pleasant environment, should include familiar well-liked items and unfamiliar, new items.

The service of a nutritionist, the center's consultant physician, and/or nurses should be used in planning the nutrition program.

The serving of food offers natural opportunities for learning many acceptable habits. In the day care center eating should be a happy, pleasant, social experience where the adults help by being good examples, by guiding, suggesting, and encouraging. From them children learn the what, how, and where of eating. From experience they come to know something of the why of eating.

Morning snack should be simple and nourishing; served at one and one-half hours before the noon meal; and consisting of fruit juice (preferably citrus), pieces of fresh fruit or raw vegetable sticks, and a plain cracker or cookies. Sweet drinks and candy must not replace foods needed for growth.

Afternoon snack should be more substantial than the morning snack, and may include a glass of milk, a bread and butter or other simple sandwich, or plain crackers or simple cookies. (Milk should be homogenized. (Dried milk or powdered milk must not be used for drinking purposes.)

Noon meals must be nutritionally balanced and usually hot.

A balanced menu, especially planned for this day care center is essential to assure children are receiving wholesome food of good quality, in sufficient quantity, of suitable variety, and of correct nutritional value. This means pre-planning. Menu planning guide forms are furnished by Rhode Island Child Welfare Services.

Planning menus in advance is called cycle menu planning. A five-week period has been found to be a satisfactory length of time. Once the pattern has been set it becomes a simple matter to serve a variety of foods and combinations.

Complete cycle menu for a 5-week period must be submitted at the time of application for a license.

Week-by-week menus should be posted on the Parent Bulletin Board. Copies should be sent to the parent each week to help in home planning.

Week-by-week menus must be kept on file for review as a part of the annual re-evaluation of the center program.

Standard Seven Housing the Day Care Center - Classrooms.

Children may eat in the classroom where the surroundings are familiar.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Standard Seven Housing the Day Care Center - The Kitchen.

When children remain for meals a separate unit must be provided exclusively for food preparation. The kitchen should preferably be on the ground floor, reasonably near the classroom, and large enough for the number of children and adults to be served. If it is to be shared after hours with other groups safeguards for food supplies, dishes and cleanliness must be carefully worked out with the licensing agency. The unit must meet adequately the health, fire, and building laws. It should have its own outside service entrance.

The kitchen must be adequately equipped to receive, check, store foods; with space for food preparation and serving.

A mechanical dishwasher and food freezer are recommended.

Temperature in the mechanical refrigerator must be below 40°F. at all times. Milk and perishable foods must be kept in the refrigerator except during the time of preparation and serving.

All non-perishable foods must be kept in a cool well-ventilated atmosphere in clean and covered containers, plainly labeled and dated.

All foods should be stored 12 inches from the floor and away from the wall.

There must be a closed storage space for the dishes and cooking utensils. Cupboards should be cleaned regularly.

Dish towels must not be used to dry dishes and cooking utensils. Dishes should be air dried.

Garbage and rubbish must be stored in sanitary containers with tight-fitting covers. Garbage must be removed from the building daily and preferably from the premises. Garbage cans must be washed and must be sanitized after each use. A garbage disposal is recommended where municipal facilities are available.

A pest control program is desirable. The interior of the building must be clean and maintained free from rodents, insects and other vermin.

900. SOCIAL SERVICES

Standard Four Admission and Social Service Policies.

Social service may be a part of the regular day care center service or it may come through some other agency in the community. The person assuming this responsibility:

Helps parents during the intake process by exploring with them all available resources to find the place which best meets the needs of this particular child.

Supports and strengthens the parents as they try to fulfill their parental role.

Sees that all the children have the environment and experiences which promote good physical and emotional development for them individually.

Discusses and arranges referral of parents to other community resources to meet the particular needs of a child and family.

The caseworker, whether a member of the staff or a person whose services are purchased from another agency, is required to:

Interview parents for the purpose of evaluating the suitability of day care for these parents and child.

Participate in staff pre-admission conferences.

Help children and parents to make constructive use of the day care service.

Participate with other staff members and other community agencies in the development of policies and practices designed to strengthen the team approach in meeting the goals of the day care center.

Participate in the development of activities for parent involvement.

Day care centers with limited staff and small pupil enrollment may not need a full-time caseworker, yet all centers, benefit greatly from social service. It is recommended that in selecting staff, a person with knowledge and experience in the helping professions be assigned the duties usually assumed by the caseworker; or that arrangements be made with other agencies to share the services of a social worker.

Standard Six Personnel-Roles, Policies, Practices.

In addition there may be other personnel: (1) services purchased as needed from an established agency (child welfare, family service, mental health agency); services purchased on a fee basis (psychological testing); and volunteers who give of their time because of their concern for children.

1000. PARENT PARTICIPATION

Standard Two Education for Young Children in a Day Care Center - Basic Requirements.

To provide for continuous patterns of growth and to meet the development needs of the children in the day care centers, the teachers must possess the knowledge, abilities, and understanding essential in caring for young children.

The primary responsibility of the parents for the welfare of the child should be recognized and sustained through pre-admission and follow-up conferences, as well as through informal contacts.

Standard Four Admission and Social Service Policies - Continuous Contacts.

From time to time the staff member assigned to in-take should evaluate the admission plan and indicate next steps in the child's program. Opportunities for parents to observe and confer should be a definite part of continuing contacts with the Center. They should be involved in both individual and group conferences and should participate in the evaluation of the progress their child is making and the suitability of this program for them as a family.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

Standard Seven Housing the Day Care Center - Consultation with Licensing Agency.

Certain requirements of space and facilities are essential for the comfort and safety of young children and for the program offered by a day care center. To insure that consideration is given to all factors, individuals or groups proposing to operate new day care centers or to make major changes in existing facilities must consult with the licensing agency during the early stages of their planning. Thus the best interests of children will be served and compliance with licensing laws and regulations relating to space, health, safety, and sanitation may be assured.

In selecting a site consideration should be given to:

Zoning ordinances concerning the location; away from industrial plants and traffic dangers.

Proximity to homes of children needing care; travel distance for children should be no more than one-half hour and preferably within a one and one-half mile radius from the center.

Availability of community facilities including fire and police; or in the absence of public facilities others approved by public health and police authorities.

Availability of public water and sewer systems.

Nearness to hospital facilities for emergency care.

The premises must be used only for day care and reasonably associated purposes during the hours of operation. Any other use of the premises must be approved in advance with the licensing agency to assure conformance to health and sanitation standards.

Young children need space to give them freedom to move and also for storage of their equipment. They need to be convenient to other facilities they use: lavatory, coatroom, health room, outdoor play area. They must never be below the ground level.

Rooms occupied by pre-school children must be on the ground floor.

At least 35 square feet of floor space (5' x 7') is required for each child in the activity rooms. This is exclusive of storage areas, cloakrooms, bathrooms, isolation area, office, halls and kitchen.

There must be ample storage space for cots, clothing, blankets and supplies, so that self-help can be taught the children and orderliness can prevail.

The coat area should be near, if not in the classroom. The open, individual cubbies are easily ventilated and accessible for self-help. Additional provision should be made for staff and visitors near the classroom.

Some area should be set aside specifically for health examinations, for the keeping of health supplies, and for children who are taken ill at the center.

The nurse and/or physician work in the area reserved for medical care.

An isolation space must be provided for the child who becomes ill. Not used by other children, this area must be located where the child can have the supervision of a staff person. It should be near a lavatory.

The day care center needs space and facilities for the adults who serve the children and their families.

There should be an office space for the administration of the center: a place for records, files, performance of clerical duties, and for private interviews with parents and others.

There may be a staff room for staff members for rest periods, conferences, and group sessions with consultants, psychologists, and auxiliary personnel.

Outdoor space for play is an essential, especially for children in city day care centers. Those who come for an all day program from homes in crowded city areas must have opportunities for play out of doors. All children need the change of pace in the fresh air, and there must be provision for them to run and play freely, yet be supervised.

The play yard must be easily accessible with an entrance from the building and preferably leading out from each classroom.

There must be at least 75 sq. ft. for each child. The space must be well drained, and if possible some shade from building or trees. The space should have a variety of surface covering: mainly turf, some gravel, sand, and one-quarter paved for wheeled toys. It must be designed so that all parts are easily supervised.

A convenient source of water from an outdoor sink, faucet, or drinking fountain should be provided for use with outdoor activities.

There must be a fence at least 4 feet in height around the outer boundary to protect children from outdoor hazards.

Gates must be secured.

Space for storage must be available. The day by day classroom activities require shelving accessible to the children and closed areas open only to the adults. In addition there must be areas safe and convenient for storing reserve school supplies and seasonal play equipment.

Storage areas should be available in:

- each classroom for teacher's use
- toiletrooms for bathroom supplies
- healthroom for first-aid kit and other supplies
- kitchen for utensils and food reserves
- utility room for building maintenance

All storage areas must be kept clean, safe, and free from rodents.

All storage areas not open to the children should have locks and keys as safeguards.

Indoor storage space must be provided for cots and blankets.

A low waterproof shed is desirable for storage of outdoor equipment such as blocks, walkboards, tricycles and wagons.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Standard Seven Housing the Day Care Center - Classrooms.

Rooms should be well-lighted; adequately ventilated without drafts; and dry.

There should be at least one-fourth as much window as floor space; adequate artificial lighting (20 to 35 ft. candle power); temperature at least 72°F. at the level of the children's height, with heat constant; and a minimum of 300 cu. ft. of air space for each child.

Windows should be low enough for children to look out.

Adjustable shades or curtains permit protection from glare and promote an atmosphere conducive to sleep at nap-time.

1430. EXITS

Standard Seven Housing the Day Care Center - Premises.

All egress doors shall be equipped with hardware to insure opening of such doors by a single motion such as the turning of a knob or pressure of a latch; or shall be equipped with panic hardware, at a height easily accessible to children which will release when pressure is applied to the releasing device in the direction of the exit travel.

1440. TOILETS AND LAVATORIES

Standard Seven Housing the Day Care Center.

There should be a work sink and counter at a height easily accessible to children in each classroom.

The day care center must be adequately equipped with toilet and handwashing facilities, located on the same floor as the children, preferably adjacent to each classroom, and for the exclusive use of the children.

There must be one flush toilet 12 to 14 inches from floor, and one washbowl without stopper 24 inches from the floor, for each ten children registered. There must be a minimum of two in each center.

Warm and cold water must be provided.

Each child must have necessary equipment for daily health routine; tissue, soap, individual towels and if desired individual combs and toothbrushes.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See 1520. FIRE

1520. FIRE

Standard Seven Housing the Day Care Center - Premises.

The building must be approved by the State Fire Marshal, State Health Officials, local fire chief, and local building inspector. All their recommendations must be met before a day care license can be granted.

The building(s) must meet all specific requirements of the State Fire laws and preferably should be of fireproof construction.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the South Carolina Department of Social Services, Regulations for Child Day Care Centers, December, 1976.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

S. C. CODE ANN. ARTICLE I Purpose and Definitions.

"Child day care" means the care, supervision or guidance of a child or children, unaccompanied by the parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day, but more than four hours, in a place other than the child's or the children's own home or homes.

"Child day care facilities" means any facility which provides care, supervision or guidance for any minor child who is not related by blood, marriage or adoption to the owner or operator of such a facility whether or not the facility is operated for profit and whether or not the facility makes charge for services offered by it.

"Regularly, or on a regular basis": these terms refer to the frequency with which child day care services are available and provided at a facility in any one week; these terms mean the availability and provision of periods of day care on more than two days in such week.

"Registration" means the process whereby child day care centers and group day care homes owned and operated by a church or a publicly recognized religious educational or religious charitable institution are regulated under this act and the process whereby all family day care homes are regulated under this act.

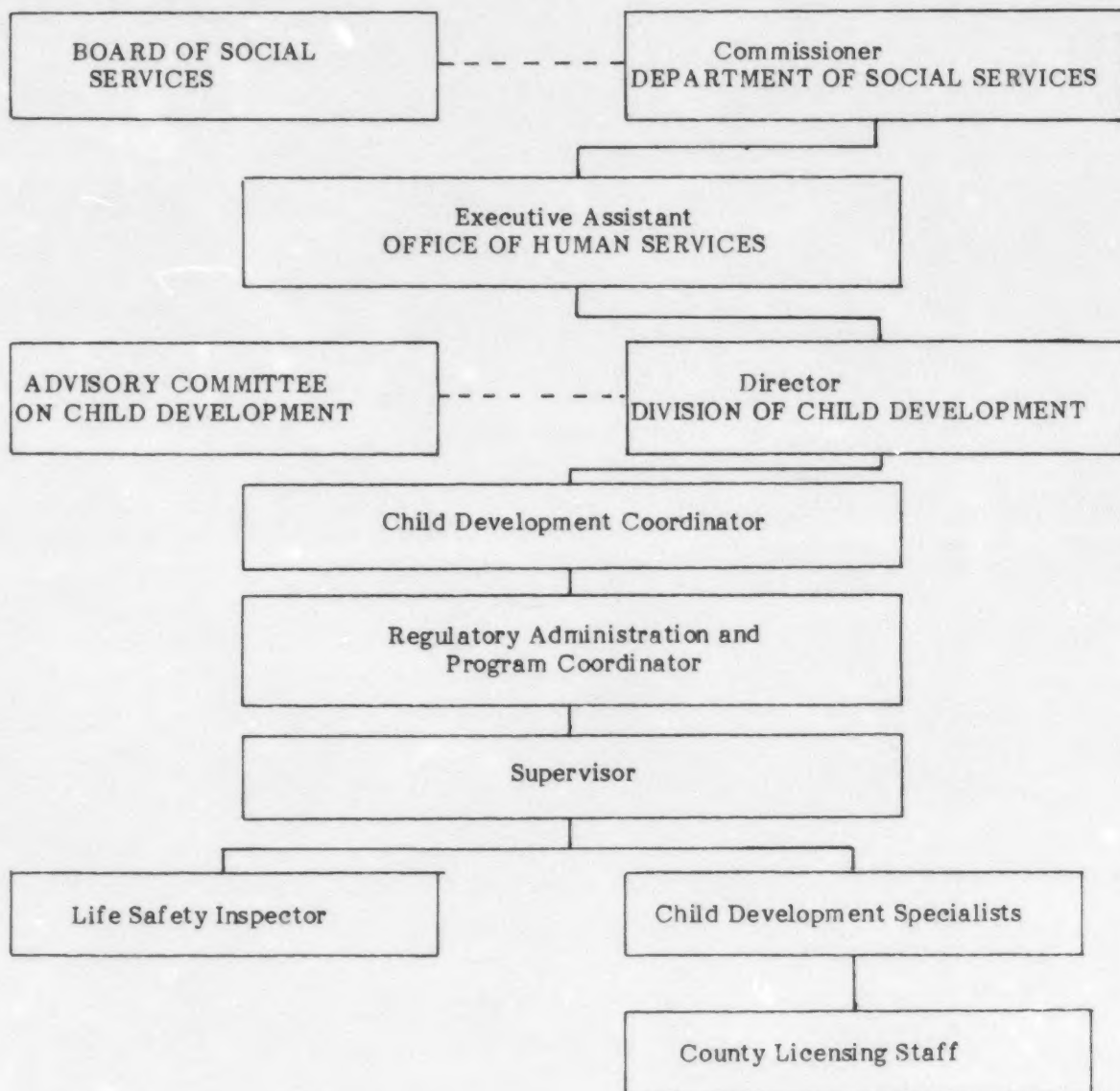
112. Exclusions and Exemptions

S.C. CODE ANN. ARTICLE I Purpose and Definitions.

The term does not include (1) any educational facility, whether private or public, which operates solely for education purposes in grades one or above; (2) five-year-old kindergarten programs operated by public school systems; (3) kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age; (4) kindergartens or nursery schools or other daytime programs operated as part of a private school and receiving children younger than lawful school age for four hours a day or less, with or without stated educational purposes; (5) facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis as defined in this act while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; provided, however, that such facilities meet local fire and sanitation requirements; (6) summer resident or day camps for children; (7) Bible schools normally conducted during vacation periods; (8) facilities for the mentally retarded; (9) facilities for the mentally ill; (10) child day care centers and group day care homes owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for day care services.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS121. Organization of the Administrative Unit

122. Responsible Official

All inquiries should be addressed to:

Director
Office of Child Development
South Carolina Department of Social
Services
P.O. Box 1520
Columbia, South Carolina 29202
(803) 758-7620

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

S. C. CODE ANN. ARTICLE VI Duties, Responsibilities and Powers of the South Carolina Department of Social Services under this Act.

The department shall with the advice and consent of the Advisory Committee develop and promulgate regulations depending upon the nature of services to be provided for the operation and maintenance of child day care centers and group day care homes and the parents of children who use the service. In developing such regulations and suggested standards, the department shall consult with:

Other state agencies, including the State Department of Health and Environmental Control, the Office of the State Fire Marshal and the Office of the Attorney General.

Parents, guardians or custodians of children using the service,

Child advocacy groups.

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The State Advisory Committee on the Regulation of Child Day Care Facilities established by this act.

Operators of child day care facilities from all sectors.

Professionals in fields relevant to child care and development.

Employers of parents, guardians or custodians of children using the service.

Draft formulations shall be widely circulated for criticism and comment.

The department shall publish a proposed final draft of the regulations and amendments; provided, however, that, in any event, they shall be sent to all licensed, approved or registered facilities and notice of how they can be procured published in media of general circulation in order to reach the public statewide at least sixty days before they are proposed to go into effect. The publication also shall invite comments by interested parties. A public hearing shall be held at least thirty days prior to adoption of the regulations by the department.

212. Advisory Body and Other Community Participation

S. C. CODE ANN. ARTICLE VII Creation and Duties of the State Advisory Committee on the Regulation of Child Day Care Facilities.

A State Advisory Committee on the Regulation of Child Day Care Facilities shall consist of seventeen members appointed by the Governor, in accordance with the following:

Five of the members appointed shall be parents of children who are receiving child day care services at the time of appointment, with no less than three representing the entrepreneurial facilities.

Eight of the members appointed shall be representative of owners and operators of child day care facilities, one of which shall be an operator of facilities subject to regulation who are actively engaged in the operation for profit.

One member appointed shall represent the educational community of the State.

Nominees of membership on the advisory committee shall be made from lists furnished the Governor by South Carolina organizations representing the various types of child day care facilities.

One member appointed shall represent the business community of the State. Nominees for membership pursuant to this item shall be made from lists furnished the Governor by the South Carolina Chamber of Commerce.

Two members appointed shall represent church-operated child day care centers, one of whom shall be an operator of a church child day care center and one of whom shall be a parent of a child who is receiving child day care services in a church-operated child day care center at the time of appointment.

Members shall serve for terms of three years and until their successors are appointed and qualify, except that of those initially appointed five shall serve for one year, five for two years and five for three years. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. Reappointment to serve a full term may ensue, however, at the discretion of the Governor but no member shall be permitted to succeed himself after serving a full term.

220. LICENSING PROCEDURE221. Application and Issuance

S. C. CODE ANN. ARTICLE II Operation and Licensing of Private Child Day Care Centers and Group Day Care Homes.

No person, corporation, partnership, voluntary association of other organization may operate a private child day care center or group day care home unless licensed to do so by the department.

Application for license shall be made on forms supplied by the department and in the manner it prescribes.

Each license shall be conditioned by stating clearly the name and address of the licensee, the address of the child day care center or group day care home and the number of children who may be served.

Failure of the department, except as provided in this Act, to approve or deny any application within ninety days shall result in the granting of a provisional license.

S.C. CODE ANN. ARTICLE III Operation and Approval of Public Child Day Care Centers or Group Day Care Homes.

Every operator or potential operator of a public child day care center or group day care home must apply to the department for an investigation and a statement of standard conformity or approval.

Application for a statement of standard conformity or approval shall be made on forms supplied by the department and in the manner it prescribes.

S. C. CODE ANN. ARTICLE V Registration and Inspection of Child Day Care Centers and Group Day Care Homes - Owned and Operated by a Local Church congregation, or an Established Religious Denomination, or a Religious College or University Which Does Not Receive State Or Federal Financial Assistance For Day Care Services.

No local church congregation or established religious denomination or religious college or university which does not receive state or federal financial assistance for day care services may operate a child day care center or group day care home unless it complies with the requirements for registration, inspection and the regulations for health and fire safety as set forth in this article.

222. Fee Charged

Not specified

223. Areas of Investigation

S. C. CODE ANN. ARTICLE II Operation and Licensing of Private Child Day Care Centers and Group Day Care Homes.

Before issuing a license the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a private child day care center or group day care home. If the results of the investigation verify that the provisions of this act and the applicable regulations promulgated by the department are satisfied, a license shall be issued. The applicant shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this act, provided that adequate notification of deficiencies has been made, is a ground for denial of application.

S.C. CODE ANN. ARTICLE III Operation and Approval of Public Child Day Care Centers or Group Day Care Homes.

Before issuing approval the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a public child day care center or group day care home. If the results of the investigation verify that the provisions of the act and the applicable regulations promulgated by the department are satisfied, approval shall be issued.

224. License Renewal

S.C. CODE ANN. ARTICLE II Operation and Licensing of Private Child Day Care Centers and Group Day Care Homes.

Regular licenses may be renewed upon application and approval. Notification of a child day care center or group day care home regarding renewal shall be the responsibility of the department.

Application for renewal shall be made on forms supplied by the department in the manner it prescribes.

Before renewing a license the department shall conduct an investigation of the child day care center or group day care home. If the results of the investigation verify that the provisions of this act and the applicable regulations promulgated by the department are satisfied, the license shall be renewed.

S.C. CODE ANN. ARTICLE III Operation and Approval of Public Child Day Care Centers or Group Day Care Homes

Regular approvals may be renewed upon application and approval. Notification of a child day care center or group day care home regarding renewal shall be the responsibility of the department.

225. Conditional/Provisional Licenses

S.C. CODE ANN. ARTICLE VI Duties, Responsibilities and Powers of the South Carolina Department of Social Services under this Act.

The department shall have power to issue a provisional license or provisional approval only when the department is satisfied that (1) the regulations can and will be met within a reasonable time, and (2) the deviations do not seriously threaten the health or safety of the children.

Except as noted no provisional license or provisional approval may be issued effective for any longer than one year.

Any facility granted a license or exempt from obtaining a license under the act previously in effect in this State and which does not qualify for a regular license under this act shall be granted a provisional license. Such a provisional license may be issued without regard to the one year time limit. No provisional license shall remain effective, either by its initial issue or by renewal, for a period greater than three years.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES231. Facility Inspections

S.C. CODE ANN. ARTICLE VI Duties, Responsibilities and Powers of the South Carolina Department of Social Services under this Act.

In exercising the powers of licensing , approving, renewing, revoking or making provisional licenses and approvals, the department shall investigate and inspect licensed and approved operators and applicants for a license or an approval.

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The authorized representative of the department may visit a child day care center or group day care home anytime during the hours of operation for purposes of investigations and inspections. Except in cases involving a complaint or expressed concerns of the community, inspections shall be made on not less than twenty-four hours notice. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The inspection of the health and fire safety of child day care centers and group day care homes shall be completed upon the request of the department by the appropriate agencies (i.e. Department of Health and Environmental Control, the Office of the State Fire Marshal or local authorities). Inspection reports completed by state agencies and local authorities shall be furnished to the department and shall become a part of its determination and conformity for licensing and approval. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking or making provisional licenses and approvals.

232. Denial, Suspension, Revocation of a License

S.C. CODE ANN. ARTICLE II Operation and Licensing of Private Child Day Care Centers and Group Day Care Homes.

Whenever the department finds upon inspection that a private child day care center or group day care home is not complying with any applicable licensing, or other regulations, the department shall notify the operator to correct such deficiencies.

Every correction notice shall be in writing and shall include a statement of the deficiencies found, the period within which the deficiencies must be corrected and the provision of the act and regulations relied upon. The period shall be reasonable and, except when the department finds an emergency dangerous to the health or safety of children, not less than thirty days from the receipt of such notice.

Within two weeks of receipt of such notice, the operator of the facility may file a written request with the department for administrative reconsideration of the notice or any portion thereof.

The department shall grant or deny a written request within seven days of filing and shall notify the operator of such grant or denial.

In the event that the operator of the facility fails to correct deficiencies within the period prescribed, the department may revoke the license.

S.C. CODE ANN. ARTICLE V Registration and Inspection of Child Day Care Centers and Group Day Care Homes Owned and Operated by a Local Church congregation, or an Established Religious Denomination, or a Religious College or University Which Does Not Receive State Or Federal Financial Assistance For Day Care Services.

Whenever health or fire safety agency finds upon inspection that a child day care center or group day care homes is not complying with the applicable regulations, the appropriate agency shall notify the department. The department shall then request the operator to correct such deficiencies.

Every correction notice shall be in writing and shall include a statement of the deficiencies found, the period within which the deficiencies must be corrected and the provision of the act and regulations relied upon. The period shall be reasonable and, except when the appropriate agency finds an emergency dangerous to the health or safety of children, not less than thirty days from the receipt of such notice.

Within two weeks of receipt of such notice, the operator of the facility may file a written request with the department for administrative reconsideration of the notice or any portion thereof.

The department shall grant or deny a written request and shall notify the operator of action taken.

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In the event that the operator of the facility fails to correct deficiencies within the period prescribed, the department may suspend the registration of the facility to be effective thirty days after day of notice.

233. Remedies and Sanctions

233.1 Hearings

S.C. CODE ANN. ARTICLE II Operation and Licensing of Private Child Day Care Centers and Group Day Care Homes.

An applicant who has been denied a license by the department shall be given prompt written notice by certified or registered mail. The notice shall indicate the reasons for the proposed action and shall inform the applicant of the right to appeal the decision of notice of denial. Upon receiving a written appeal the commissioner shall give the applicant reasonable notice and an opportunity for a prompt hearing before a hearing examiner appointed by the Board of the South Carolina Department of Social Services. On the basis of the evidence adduced at the hearing, the commissioner shall make the final decision of the department as to whether the application shall be denied.

If no written appeal is made, the application shall be denied as of the termination of the thirty-day period.

A licensee whose application for renewal is denied or whose license is about to be revoked shall be given written notice by certified or registered mail. The notice shall contain the reasons for the proposed action and shall inform the licensee of the right to appeal the decision to the commissioner in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the commissioner shall give the licensee reasonable notice and an opportunity for a prompt hearing before a hearing examiner appointed by the Board of the South Carolina Department of Social Services.

On the basis of the evidence adduced at the hearing, the commissioner shall make the final decision of the department as to whether the license shall be denied or revoked. If no written appeal is made, the license shall be denied or revoked as of the termination of the thirty-day period.

At the hearing provided for in this section, the application or licensee may be represented by counsel and has the right to call, examine and cross-examine witnesses and to otherwise introduce evidence. Parents appearing at the hearing may also be represented by counsel. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on behalf of the appellant or department. The final decision of the department shall be in writing, shall contain the department's findings of fact and rulings of law and shall be mailed to the parties to the proceedings by certified for registered mail to their last known addresses as may be shown in the application, or otherwise. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the department's decision is appealed to the courts, or a transcript is requested by an interested party. Upon an appeal to the courts, the departments shall furnish to any appellant, free of charges, a certified copy of the transcript of all evidentiary proceedings before it. Other parties shall pay the cost of transcripts at their request.

The decision of the department shall become final unless appealed by a party to the hearing to the circuit court having jurisdiction for the county in which the facility is located for review within thirty days after the receipt by the party of the notice of the decision. The review shall consist of a trial de novo. The court shall have power to enter judgement upon the pleadings and a certified transcript of the record which shall include the evidence upon which the findings and decisions appealed are based.

S.C. CODE ANN. ARTICLE III Operation and Approval of Public Child Day Care Centers or Group Day Care Homes.

An applicant or operator who has been denied approval or renewal of approval by the department shall be given prompt written notice thereof, which shall include a statement of the reasons for the denial. The notice shall also inform the applicant or operator that it may, within thirty days after the receipt of the notice of denial, appeal the denial by making a written request to the commissioner for an opportunity to show cause why its application should not be denied.

Upon receiving a written petition, the commissioner shall give the applicant or operator reasonable notice and an opportunity for a prompt, informal meeting with the commissioner or his designee with respect to the action by the department, and an opportunity to submit written material. On the basis of the available evidence, including information obtained at the informal meeting and from the written material, the commissioner shall decide whether the application shall be granted for approval, provisional approval or denied. The decision of the commissioner shall be in writing, shall contain findings of fact and shall be mailed to the parties to the proceedings by certified or registered mail. Notification of the decision shall be sent to the Governor and appropriate officials of the State or local government.

S.C. CODE ANN. ARTICLE V Registration and Inspection of Child Day Care Centers and Group Day Care Homes Owned and Operated by a Local Church congregation, or an Established Religious Denomination, or a Religious College or University Which Does Not Receive State Or Federal Financial Assistance For Day Care Services.

When the registration of any facility has been suspended, the operator shall be given prompt written notice. The notice shall indicate the reasons for the suspension and shall inform the operator of the right to appeal the decision through administrative channels to the department according to established appeals procedure for the department.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

S.C. CODE ANN. ARTICLE V Registration and Inspection of Child Day Care Centers and Group Day Care Homes Owned and Operated by a Local Church congregation, or an Established Religious Denomination, or a Religious College or University Which Does Not Receive State Or Federal Financial Assistance For Day Care Services.

The department is empowered to seek an injunction against the continuing operation of a child day care center or group day care home in the circuit court having jurisdiction over the county in which the facility is located:

When the facility is operating without having requested the appropriate inspections;

When there is any violation of the health and fire safety regulations a set forth by this article which threaten serious harm to children in the child day care center or group day care home;

When an operator has repeatedly violated the health and fire safety regulations.

The department is empowered to seek an injunction against the continuing operation of a child day care facility in the circuit court having jurisdiction over the county in which the facility is located:

When a facility is operating without a license or statement of registration;

When there is any violation of this act or of the regulations promulgated by the department which threatens serious harm to children in the child day care facility;

When an operator has repeatedly violated this act or the regulations of the department.

Proceedings for securing such injunctions may be brought by the Attorney General or circuit solicitor of the jurisdiction in which the facility or its headquarters is located.

S.C. CODE ANN. ARTICLE VIII Implementation, Enforcement and Penalties

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, or both.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

ADMINISTRATION

REGULATION: Governing Body or Person.

The child day care center shall designate a governing body or an individual who is responsible for and has authority over the policies and activities of the facility.

REGULATION: Written Operating Policies. The governing body or individual responsible for the child day care center shall formulate and make available written operating policies for the facility.

EVIDENCE OF COMPLIANCE:

Policies shall include the following, if applicable:

- statement of purpose, function, and description of program (e.g., health, nutrition, education, social services).
- hours and days the center is in operation (including holidays).
- admission procedures and requirements.
- ages of children accepted.
- plan for arrival and departure of children.
- fee payment plan and refund practices.
- procedure for termination of services, by center or parent(s).
- policy concerning illnesses of children, nonadmission and readmission.
- requests concerning children's personal belongings, etc.
- transportation of children, if provided.
- emergency or disaster plan.
- plan regarding provision of diapers, clothing and formula.
- procedure parent(s) may use to make a complaint.
- administration of medicine.
- procedures relating to parent-staff consultation and conferences.
- insurance coverage.
- authorization for emergency medical care.
- discipline of children.
- food services.

The center shall, in practice, offer the type of services and program which the operating policies outline.

Each caregiver shall receive a full interpretation of the center's operation policies.

REGULATION: Display of License.

The child day care center shall display its current license prominently.

Information required to be maintained or on file at the day care center shall be available to the department to document compliance with regulations.

EVIDENCE OF COMPLIANCE:

Information on enrollment including separate groupings of children, if applicable, and designated staff members.

General and health records of children as indicated in Regulations 7 and 8.

Records on staff as indicated in Regulation 9.

At least one copy of the current Act governing the regulation of child day care facilities and current regulations for staff, parents and other upon request.

REGULATION: Admission Procedures.

No day care center shall have present at any one time children in excess of the number for which it is licensed.

EVIDENCE OF COMPLIANCE

Compliance shall be determined by the actual number of children in the center at a given time as reflected by enrollment records.

PERSONNEL

REGULATION: First Aid Training.

At least one caregiver who has received or is receiving training in observation of symptoms or illness and in elementary principles of Red Cross first aid shall be immediately available within the facility at all times.

EVIDENCE OF COMPLIANCE:

A certificate of training or statement to show current enrollment in a program teaching principles of first aid or a certificate or other evidence from the American National Red Cross or other appropriate community resource.

Posting of a readily understandable chart describing first aid emergency medical treatment techniques.

In-service training for the day care staff by an appropriate source to include discussion of illness and symptoms, observation and evaluation, carried out at least once a year.

REGULATION: PERSONNEL POLICIES.

The center director shall implement the personnel policies of the facility.

EVIDENCE OF COMPLIANCE

Each employee upon employment shall be informed of his duties and of the persons to whom he is administratively responsible.

REGULATION: Staff Screening and Hiring.

The center director shall carry responsibility for the screening and hiring of regular staff, volunteers or others who are to provide services in the facility within the limits defined by the governing body or person.

REGULATION: Staff and Facility Management.

The center director shall carry primary responsibility for:

Assignment of staff to specific jobs or functions.

Supervision of staff and on-going planning with staff.

Evaluation of staff to ascertain their competency in performing their assigned job or function.

Maintenance of records related to enrollment, attendance, personnel and financial matters.

REGULATION: References for Center Director.

The center director shall provide the licensing agency with the names and addresses of three persons not related to the director or to one another to attest to the director's character and suitability for directing a day care facility.

S.C. CODE ANN. ARTICLE II Operation and Licensing of Private Child Day Care Centers and Group Day Care Homes.

Each child day care center or group day care home shall maintain its current license displayed in a prominent place at all times.

312. Telephone

LIFE SAFETY

REGULATION: Emergency Phone Numbers.

Emergency telephone numbers shall be available by a specified telephone which is readily accessible to all staff members in the day care center.

EVIDENCE OF COMPLIANCE:

The following telephone numbers shall be posted by the telephone:

Ambulance service and emergency service plan.

Police department.

Fire department.

Other emergency numbers available near the telephone to include:

The number of the physician designated by the parent(s).

Home and business numbers of the parent(s) or person(s) responsible for the children.

Emergency numbers to notify family and/or physician of staff members.

Enrollment information or health forms kept in a readily accessible location constitute compliance.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

PERSONNEL

REGULATION: PERSONNEL POLICIES.

The center director shall implement the personnel policies of the facility.

Personnel policies, as a minimum, shall contain clearly detailed statements as to job descriptions and any benefits.

322. Constraints Against Employment

PERSONNEL

REGULATION: Employment of Persons with Abuse Records.

No day care center shall employ or retain an individual knowingly who has been convicted of child abuse or neglect, child molestation or sexual abuse or is awaiting trial on such charges.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

ADMINISTRATION

REGULATION: General Records on the Child.

The staff of the facility shall initiate at admission and maintain a general record on each child in care.

Record to include:

Child's full legal name, birthdate, current address, name who prefers if this is different from his given name, date of his admission and discharge.

Full name of both parents or person responsible for the child, home address, work addresses and telephone numbers.

Telephone numbers or instructions as to how the staff can reach parent(s) during the hours the child is in care.

Name, addresses, and the telephone numbers of parent(s) who will assume the responsibility for the child in an emergency if the parent cannot be reached.

Name, address, and telephone number of family physician and/or health resource.

Names and addresses of person(s) authorized to take the child from the day care facility.

Information regarding the child's habits, activities and schedule in the home.

Accurate records of daily attendance of each child.

REGULATION: Child Health Records.

The staff shall maintain a health record in the facility for each child in the program to include the following information:

Parent's statement of the child's physical and mental condition at time of his admission to the day care center.

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Physicians statement where there are handicapping physical or psychological conditions, attesting to the child's ability to participate in activities usual for his age level, including any recommendations.

Written verification that the center director or staff designee has been shown the immunization card of each child by the parent(s) indicating required immunizations are completed, in process or child meets exemption requirements.

Other health information as deemed necessary by the staff of the facility and parent(s).

342. Staff

ADMINISTRATION

REGULATION: Record on Staff

The operator shall maintain records in the facility on each staff person.

Records to include:

Medical statement completed at the time of employment.

Written evidence from physician or health resource verifying freedom from communicable tuberculosis.

Information secured at application including educational background and types of experience.

LIFE SAFETY

REGULATION: Health Requirements for Regular Staff.

Written evidence shall be required from each staff member verifying that his health is satisfactory and would not interfere with his effective functioning in the center.

EVIDENCE OF COMPLIANCE:

Each staff member shall:

Complete the medical statement provided by the department, verifying as to whether his health has caused any recent concern and that his current health status is satisfactory.

Review with the day care operator at the time of employment the information he has provided on the medical statement.

The operator shall maintain on file in the facility the medical statements obtained from all staff persons at the time of employment and update as necessary.

The operator shall keep on file in the facility written evidence from a physician of health resource attesting that each staff person is free from communicable tuberculosis at the time of employment and annually thereafter.

Each caregiver with an identified health problem shall obtain a written statement from a physician or good health resource that he has sufficient good health to care for children.

REGULATION: Health Requirements for Volunteers.

All volunteers shall be subject to the same requirements as are applicable to paid staff members.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

ADMINISTRATION

REGULATION: Reporting on Abuse and Neglect.

The day care operator shall notify the appropriate department staff or local law enforcement official when it appears that a child is being neglected or abused.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN410. STAFF/CHILD RATIO REQUIREMENTS411. Staff/Child Ratio as of March, 1981

PROGRAM

REGULATION: Staff-to-Child Ratios.

The number of children supervised by one child day care staff member at one time shall not exceed the following ratios:

<u>AGE OF CHILDREN</u>	<u>STAFF</u>
Birth to 2 years	1 staff to eight children
2 years to 3 years	1 staff to twelve children
3 years to 4 years	1 staff to fifteen children
4 years to 4 years	1 staff to twenty children
5 years and above	1 staff to twenty-five children

EVIDENCE OF COMPLIANCE:

In computing the number of staff hours required, the number of children shall be considered to be the total enrollment at the time of the original licensing study or renewal study.

In determining the staff-to-child ratio, the following shall apply:

Service staff shall be counted in the staff-to-child ratio only during the time they are giving full attention to the direct supervision of the children.

Volunteers shall be eligible, if health requirements are met, to work with the children under supervision and shall be counted in the staff-to-child ratio.

If the center serves drop-in children, the operator shall provide sufficient staff to meet the minimum staff-to-child ratios necessary for the regular enrollment and the number of drop-ins present at any one time.

When space and other factors permit increasing the enrollment of the children, the operator shall provide additional staff per ratios set forth above.

REGULATION: Staff Coverage.

A day care center shall have sufficient staff to respond quickly to an active child about to hurt himself or another and to provide continuous supervision.

EVIDENCE OF COMPLIANCE:

No center shall operate unless two staff persons are on the premises at all times when as many as nine children are present, if four or more of the children are under two.

One person shall be within sight of the children.

A second person shall be immediately available.

The center director shall present evidence that a plan has been worked out whereby an additional person can be summoned quickly to assist in an emergency.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

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500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS510. CHILD CAREGIVER STAFF QUALIFICATIONS511. Age

PERSONNEL

REGULATION: Age of Caregivers.

The age range required for caregivers shall be as follows:

Caregivers with supervisory responsibility for other staff and children shall be at least 18 years of age.

Caregivers less than 18 years of age can be counted in the staff-to-child ratio, providing the following conditions are met:

They are at least 14 years of age.

They are not the person in authority and are properly supervised.

The facility is in accord with South Carolina child labor laws regarding the employment of minors in non-hazardous jobs.

512. Health

See 342. Staff

513. Education

PERSONNEL

REGULATION: General Background and Training.

Each facility enrolling 13 or more children shall have at least one employee for at least four hours per day who meets one of the following educational qualifications:

Bachelor or Associate Arts degree from an accredited institution with at least 12 semester hours in child development, child psychology, child health, early childhood education, social work, or other human development sequences, or

One year's experience as a teacher, caregiver or aide in an educational, early childhood, or day care facility, or

Certification in early childhood or child development where a local, state, or Federal certification program exists, or

Completion of a recognized child care training course, including on-the-job training and/or attendance at professional meetings.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

PERSONNEL

REGULATION: Age of Center Director.

The director of a day care center shall have achieved the legal age of majority.

522. Health

See 342. Staff

523. Education

See 513. Education

524. Experience

See 513. Education

530. SUPPORT STAFF QUALIFICATIONS

See 513. Education

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 513. Education

542. Child Caregiver Staff

See 513. Education

543. Support Staff

See 513. Education

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

PERSONNEL

REGULATION: Program for Children Three and Above.

A day care center shall provide a program which promotes the individual child's growth and well-being.

EVIDENCE OF COMPLIANCE:

The staff shall plan both active and quiet activities for the children.

The staff shall provide opportunities for each child to share and test his understanding by asking and encouraging questions and stimulating conversation.

The staff shall provide direction and guidance for the child as he seeks to explore and develop relationships with other children and adults.

REGULATION: Daily Schedule.

A day care center shall establish a schedule within which each staff person can carry out daily activities with the children.

612. Program Equipment and Materials

PERSONNEL

REGULATION: Equipment and Materials.

The day care center shall have available an adequate variety and amount of materials and equipment arranged and used in ways appropriate to the developmental needs of the children in care.

EVIDENCE OF COMPLIANCE:

The operator shall provide materials and equipment which allow for a variety of experiences and which appeal to the individual interests of the children in care.

The operator shall provide a sufficient quantity of materials and equipment to avoid excessive competition and long waits by the children.

The caregivers shall arrange protected areas free of traffic by children and adults, where equipment and materials can be used with minimal interference or interruption.

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The caregivers shall store materials in an orderly manner, accessible to children and arranged so that children may select, remove and replace them either independently or with assistance.

The operator shall provide furniture which is child size or appropriately adapted for the children's use.

613. Nap Provision

LIFE SAFETY

REGULATION: Sleeping and Resting Equipment.

Individual, comfortable and sanitary sleeping and resting equipment shall be provided.

EVIDENCE OF COMPLIANCE:

For daytime rest and nap periods. A separate bed, cot, crib, or mat shall be assigned each child for use during rest or nap periods. If mats are used, they shall be made of waterproof washable material and shall be stored and handled in such a manner that the sleeping surface does not contact the floor. If linen is provided, it shall be clean and available for each individual user.

Placement of Equipment. Placement of beds, cots, cribs or mats shall allow staff to have ready access to each individual.

614. Discipline and Guidance

PROGRAM

REGULATION: Disciplinary Practices.

Disciplinary practices shall be according to the following requirements:

Limits or rules shall be those necessary to safeguard children and premises and stated on the children's level of understanding.

No corporal punishment shall be used, except when authorized in writing by the parent(s).

Caregivers shall not deprive children of meals, naps, or bathroom procedures.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 34l. Children

713. Immunizations

See 34l. Children

714. Sanitation

PROGRAM

REGULATION: Drinking Water.

The day care center shall have safe drinking water readily accessible to children of all ages.

LIFE SAFETY

REGULATION: Toilet Articles.

Toilet articles such as combs, brushes, toothbrushes, towels and washcloths when used by the children in attendance shall be individually provided and plainly marked.

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REGULATION: Personal Hygiene.

The center director and caregivers shall follow good hygienic practices with the children.

EVIDENCE OF COMPLIANCE

Wet or soiled clothing shall be changed immediately.

Face and hands shall be thoroughly washed before and after meals.

Hands shall be washed after toileting.

REGULATION: Health Practices of Staff.

All staff when in the day care center shall follow health and hygienic practices appropriate to protect the health of the children and other staff.

EVIDENCE OF COMPLIANCE:

Staff shall wash their hands with soap and water before food preparation and/or service and after assisting with toileting or diapering.

No staff person while afflicted with any disease in a communicable form, or while a carrier of such a disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or a likelihood of transmitting disease to other individuals.

REGULATION: Building and Grounds.

The building and grounds of the facility shall be situated, equipped and maintained as needed in order to protect the health of the users.

EVIDENCE OF COMPLIANCE:

The facility shall be located on premises reasonably free from health hazards, such as open drainage ditches, wells, holes, and other natural or man-made obstacles.

Outdoor areas shall be kept neat, clean, and free of litter.

Measures for the control of insects, rodents and other vermin shall be applied to prevent harborage, breeding, and infestation of the premises.

Health animals, which present no apparent threat, shall be permitted, providing they are properly housed, cared for and have required rabies inoculation.

Floors shall have smooth, washable surfaces and shall be kept clean, in good repair, and free from hazards. If carpeting is used, it shall be cleaned regularly and repaired if torn.

Walls and ceilings shall be in sound condition, and kept clean. No leadbased paint (0.5 lead compound per cent of the total weight of the contained solids or dried paint) shall be used on interior and exterior surfaces accessible to children. Walls in food service and toilet areas shall be nonabsorbent, washable surfaces to the highest level of splash.

REGULATION: Water Supply.

The water supply shall meet the bacteriological, chemical and physical requirements of the South Carolina Department of Health and Environmental Control.

EVIDENCE OF COMPLIANCE:

Water shall be accessible from an approved source of supply in adequate amounts under pressure. If a private water supply is used, the operator shall obtain approval from the South Carolina Department of Health and Environmental Control to assure safe location, construction, and proper maintenance and operation of the system.

Water under pressure shall be supplied to all rooms where food is processed or handled: laundry room and bathroom. Where hot water is provided, the temperature shall not exceed 120°F except that where mechanical dishwashing is used, an adequate supply of 160°F water shall be available to the machine. The operator shall supply mixing faucets at all lavatory fixtures, where hot water is provided.

Drinking fountains or single service cups shall be provided. Drinking fountains, if provided, shall be of a sanitary anglejet design, properly regulated and maintained. There shall be no possibility of the mouth or nose becoming submerged. The use of "common drinking cups" is prohibited. Disposable cups, if used for drinking, shall be stored to prevent contamination.

REGULATION: Liquid and Solid Waste Disposal.

The day care center shall follow approved sanitary methods for disposal of wastes.

EVIDENCE OF COMPLIANCE:

All sewage and liquid waste shall be disposed of in a manner not to create a public health hazard and by sanitary methods approved by the local health officials. Where public sewage systems are provided, this shall be the method of disposal.

Refuse shall be stored in containers, rooms, or designated areas in an approved manner. Garbage and other putrid material shall be stored in durable, rust-resistant, nonabsorbent, watertight, airtight, rodent-proof, easily cleaned containers away from the reach of children. All solid waste shall be disposed of at sufficient frequencies and manner so as not to create a rodent, insect or other vermin problem.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

LIFE SAFETY

REGULATION: Emergency Health Services.

The day care center shall have provisions for emergency medical care of children requiring treatment away from the day care setting, such as a arrangement with a hospital, or public health department or local physician.

717. Medication and Special Diet Provisions

LIFE SAFETY

REGULATION: Administration of Medication.

The authority and procedures for administering medication to children shall be clearly defined as follows:

Medication and/or special medical procedures shall be administered to a child only when there is a request from the parent(s).

Prescription drugs and other medications required by the children shall be properly labeled with the child's name and dosage schedule and kept in a location inaccessible to the children.

718. Waiver of Health Requirements

See 341. Children

720. SAFETY721. General Safety Requirements

LIFE SAFETY

REGULATION: Accident Prevention.

The operator of a day care center shall provide premises which minimize the risk of accidental injury.

EVIDENCE OF COMPLIANCE:

The center shall be located in an area reasonably free of safety hazards. Traffic protection with safe entrances, exits, loading and unloading areas shall be provided.

Outdoor recreational areas shall be protected by fencing or some type of barrier if location is readily accessible to streets or highways or otherwise dangerous.

Porches, walkways, and play areas which are elevated shall have barriers to prevent falls.

Outside stairs, walkways, ramps and porches shall be maintained free from accumulations of water, ice, or snow.

Stairs and ramps shall be provided with handrails, if hazardous.

Landings or gates shall be provided beyond each exterior door and interior doors opening onto a stairway.

Where clear glass is used in exterior windows less than 32 inches above floor level, the glass shall be of safety grade.

Flammable liquids, cleaning supplies, detergents, matches, lighters and any other potential poisons or harmful items shall be kept inaccessible to children.

722. Fire Safety Requirements

LIFE SAFETY

Where centers are located in a building containing mixed or hazardous occupancy, the separation requirements of the locally applicable building code, or if none exists, a nationally recognized code, shall be satisfied.

These fire safety regulations shall not prevent the use of any material, method of construction, system or appliance which can be shown by the submission of evidence to the fire safety authority having jurisdiction to provide an equivalent degree of quality, strength, effectiveness, fire-resistance, durability and safety.

The Fire Safety Authority Having Jurisdiction May Waive Specific Provisions Of These Regulations, Which If Rigidly Applied, Would Result In Unreasonable Hardship, But Only If Such Waivers Will Not Adversely Affect The Safety Of The Occupants.

REGULATION: Occupant Load.

The occupant load for which means of egress shall be provided for any floor shall be not less than one person for each 35 square feet of net floor area used by the children.

REGULATION: Location of Rooms.

Rooms used for infants through first grade children in child day care centers shall not be located above or below the first floor of exit discharge. Rooms used for children from second grade up shall not be located more than one story above the floor or exit discharge.

REGULATION: Protective Enclosures of Exit Stairs.

Exit stairs shall be enclosed in accordance with of National Fire Protection Association Requirements.

REGULATION: Emergency Lighting.

Means of egress in each day care center shall be provided with type 1 emergency lighting.

REGULATION: Centers in Apartment Buildings.

Facilities housed in apartment buildings shall meet the following requirements:

If the two means of egress from the center discharge into the same corridor, as in an apartment building, the means of egress shall be separated in the corridor by a smoke stop partition having not less than a one hour resistance rating.

The door in the smoke stop partition shall be not less than 36 inches wide. The door assembly shall have a fire resistance rating of 3/4 hour and shall be equipped with a self-closing device, a latch and an automatic hold-open device.

REGULATION: Minimum Construction Standards.

Centers shall be located up to a maximum height indicated in the Standard Building Code.

REGULATION: Protection of Vertical Openings.

Any vertical opening such as a stairway, elevator shaft, light and ventilation shaft, chute and other openings between stories shall be enclosed and protected.

REGULATION: Interior Finish.

In centers for children, interior finish for all walls and ceilings shall be Class A or Class B and floors shall be CLASS A, B, or C. In new construction, interior finish in means of egress shall be Class A or Class B.

REGULATION: Extinguishment and Alarm Systems.

Extinguishment and alarm systems shall include the following items:

Fire detectors which respond to products of combustion other than heat shall be installed on the ceiling of each story in front of the doors to the stairways and at no greater than 30 feet spacing in the corridors of all floors containing the center and other locations as determined necessary for safety. The detectors may be single station units with an integral alarm having a decibel rating of at least 85.

There shall be a manually operated fire alarm system on each floor of the center, unless the building is equipped with an automatic fire alarm system or an automatic sprinkler system. Such system or systems shall be interconnected with local fire department as prescribed by South Carolina Statute 47-1158 or by the most direct and reliable method approved by local regulations.

Portable fire extinguishers suitable for Class B fires shall be installed in kitchens and cooking areas and extinguishers suitable for Class A fires, installed throughout the remainder of the center.

REGULATION: Hazard Areas.

An area used for general storage, boiler or furnace rooms, fuel storage, janitors closets, maintenance shops including woodworking and painting areas, laundries and kitchens shall be separated from other parts of the building with construction having not less than a 1 hour fire resistance rating, and all openings shall be protected with self-closing fire doors, or such an area shall be provided with automatic fire extinguishing protection within the use areas.

REGULATION: Center Service Equipment.

Service equipment shall meet the following requirements:

Air conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with Chapter 7, Building Service Equipment of National Fire Protection Association No. 101.

Electrical wiring in new construction shall be installed in accordance with the National Electric Code, National Fire Protection Association No. 70.

In existing buildings, the electrical wiring shall be sized to provide for the load. Receptacles and outlets serviced by extension-type wiring are prohibited. Electrical appliances shall be grounded. An annual safety check on the electrical system shall be made by a technician, and a written report, kept on file at the facility at all times.

REGULATION: Fire Safety Practices.

Fire safety practices as follows shall be put into operation in each facility:

A fire evacuation plan shall be posted in each room used by children.

Fire drills shall be held a minimum of once a month and at different times of the day.

All staff members, substitutes, volunteers and walking children shall participate and be skilled in fire drill exercises.

A staff member who knows the location of utility cut-offs, shall be on the premises at all times of operation.

723. Transportation

Not specified

724. Safety Requirements for Equipment

LIFE SAFETY

REGULATION: Safety of Equipment.

Equipment used with or by children shall be kept reasonably free from hazards.

EVIDENCE OF COMPLIANCE:

Indoor equipment, furnishings and toys shall be of safe construction and free from sharp edges and loose or rusty points. No toy accessible to infants and toddlers shall be small enough to swallow.

Outdoor play equipment shall be free of rust and jagged edges, made of durable, nonpoisonous material, and sturdy. Stationary outdoor equipment shall be firmly anchored.

When cribs and playpens are acquired after the effective date of these regulations, the safety requirements developed by the United States Consumer Product Safety Commission shall be observed.

725. Water Activities (Including Swimming)

LIFE SAFETY

REGULATION: Pools.

If a swimming pool, wading pool, or spray pool is part of the equipment of the center, the operator shall conform to the rules and regulations promulgated by the South Carolina Department of Health and Environmental Control for the construction, maintenance and use of such equipment.

726. Emergency Procedures

LIFE SAFETY

REGULATION: Disaster Plan.

The operator shall develop a disaster plan, to be used in case of fire and other emergencies, which shall be put in writing and tested with the children at regular intervals.

727. First Aid Supplies

LIFE SAFETY

REGULATION: First Aid Supplies.

First aid supplies shall be available for the treatment of minor cuts and abrasions and stored out of the reach of the children.

800. NUTRITION AND FOOD SERVICE810. NUTRITION811. Nutritional Requirements

Program

REGULATION: Nutritional Needs.

Food of a quantity, variety and quality to meet the daily nutritional needs of the children shall be provided during whatever part of the 24 hour day they are in the center.

EVIDENCE OF COMPLIANCE:

Regular meals and snacks with no more than four hours between food services during the period from 6:00 a.m. to 9:00 p.m.

Mild or full strength fruit or vegetable juice shall be served at least once a day.

If food is provided by the facility, daily menus shall be plainly posted in the day care center.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

LIFE SAFETY

REGULATION: Food and Drink.

All food and drink shall be prepared, served and stored so that sanitary cooking methods are observed, nutrients retained and spoilage prevented.

EVIDENCE OF COMPLIANCE:

The operator shall provide refrigeration units and insulated facilities as needed to assure the maintenance of all food at 45°F or below except during preparation and service.

Utensils, such as forks, knives, tongs, spoons or scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

When necessary to provide meals through a catering service, such meals shall be obtained from a food service establishment approved by the South Carolina Department of Health and Environmental Control. Disposable eating and drinking utensils shall be used to serve such meals or food, if adequate cleaning and sanitizing equipment is not available. The procedures and equipment used for transporting meals shall be approved by the South Carolina Department of Health and Environmental Control.

Transporting of Food

During the transportation of food from a food service establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination.

After each usage, all tableware shall be thoroughly cleaned to sight and touch.

After each usage, all kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving and storage of food shall be thoroughly cleaned to sight and touch. The cooking surfaces of cooking devices shall be cleaned as often as necessary and shall be free of encrusted grease deposits and other soil.

Non-food-contact surfaces of all equipment, including, tables, counters and shelves, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles and other debris.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

ADMINISTRATION

The parent(s) shall either be provided a copy of the center's operating policies or receive a full interpretation of them prior to admission of the child, or both.

1100. INFANTS AND TODDLERS1110. PROGRAM OF ACTIVITIES

Program

REGULATION: Infant-Toddler Care.

A day center serving children 0 to 35 months shall provide an environment which protects the child from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional and social development.

EVIDENCE OF COMPLIANCE:

The caregivers shall not leave the children in a crib, playpen, high chair or other areas for long periods of time.

The caregivers shall have frequent verbal communication with the children.

The caregivers shall hold the children while they are feeding and drinking, as long as they are unable to sit in a high chair, an infant seat, or at the table.

The caregivers shall feed individually and follow a recognized or prescribed formula, diet and pattern of feeding appropriate to their developmental needs.

The caregivers shall offer water to infants and toddlers at frequent intervals.

The operator shall provide the following type of equipment and space:

Indoor area protected from general walkways, where crawling children can be on the floor and explore for part of the day.

Low chairs and table or infant seats with trays at mealtime.

Toys and materials which afford opportunities to learn through seeing, feeling, hearing, smelling, and tasting.

Comfortable chairs for caregivers to use when feeding, holding or playing with the children.

Sleeping and resting equipment, including cribs for infants and low cots for the other children. In a facility with limited space in which cribs and other bulky infant equipment would leave little area for floor space, individual floor mats may be permitted for the children not in overnight care, provided that the floors are clean, warm and free from drafts and obstacles.

A passageway of at least two feet between rows of cribs and/or floor mats to enable caregivers to have ready access to the children.

1120. HEALTH AND SAFETY REQUIREMENTS

See 1110. PROGRAM OF ACTIVITIES

1130. INFANT NUTRITION

LIFE SAFETY

REGULATION: Food and Drink.

All food and drink shall be prepared, served and stored so that sanitary cooking methods are observed, nutrients retained and spoilage prevented.

EVIDENCE OF COMPLIANCE:

In facilities offering care to infants, formula juice and baby food served in a baby bottle shall be fully prepared and packaged (ready-to-feed) and identified for the appropriate child at the child's home and provided daily by the parent(s)/guardian; or formula and juice served in a baby bottle shall be provided by the facility as a ready-to-feed, fully prepared and packaged single-use item; or formula and juice may be provided in a manner specifically approved by the local health authority. Any excess formula or juice shall be discarded after each feeding. Formula and juice which require refrigeration and baby food after opening and re-covering shall be identified for the appropriate child and shall be refrigerated at 45°F or below.

1200. CHILDREN WITH HANDICAPPING CONDITIONS1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS1410. SPACE

Program

REGULATION: Space.

The day care center shall have sufficient indoor and outdoor space for the activities of the children.

EVIDENCE OF COMPLIANCE:

The operator shall provide at least 35 square feet of indoor space per child, exclusive of bathrooms, kitchen and storage space. Halls, if approved by the appropriate fire official, can be counted as indoor space.

The operator shall provide at least 75 square feet per child of outdoor play space. Where outdoor space is insufficient or not available at the facility, the staff may take the children outdoors in shifts or utilize parks or other outdoor play areas which are easily accessible.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

LIFE SAFETY

REGULATION: Building and Grounds.

The building and grounds of the facility shall be situated, equipped and maintained as needed in order to protect the health of the users.

EVIDENCE OF COMPLIANCE:

All rooms shall be adequately lighted and ventilated. Lighting on the task shall never be less than 30 foot candles. Lighting and ventilation systems shall comply with the local and/or state building codes, whichever is the more stringent.

Windows and other similar openings shall be protected or otherwise remain closed.

1430. EXITS

LIFE SAFETY

REGULATION: Exit Details.

Each floor occupied by children shall have not less than two remote exits, and all such exits shall lead directly to the outside or through any enclosed fire-resistive stairway to the outside.

REGULATION: Access to Exits.

Access to exits in child day care centers shall be provided as follows:

Travel distance (1) between any room door intended as exit access and exit shall not exceed 100 feet; (2) between any point in a room and an exit shall not exceed 150 feet; (3) between any point in a sleeping room or suite an exit excess door of that room or suite shall not exceed 50 feet. The travel distance in (1) and (2) above, may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system. Travel distance shall be measured in accordance with 5-119 of National Fire Protection Association No. 101.

The travel distance in open plan centers shall be in accordance with 9-215 of National Fire Protection Association No. 101 for open plan schools as follows: 9-215l. Travel Distance to Exits 9-215l. No point in a building shall be more than 150 feet from an exit, measured in accordance with 5-110.

Exception: An increase in the above travel distance to 200 feet shall be permitted in a building fully protected by either an automatic fire extinguishing system or by an automatic smoke detection system.

REGULATION: Doors.

Doors in means of egress shall swing in the direction of exit and travel and shall meet the following requirements:

If a room or space is subject to occupancy by more than 50 persons, exit doors shall swing out. Only 1 locking or latching device shall be permitted on a door or a leaf of a pair of doors.

Any exterior door and any room door subject to use by 100 or more persons shall be operated by bars or other panic hardware device, except that a door leading directly to the outside from a classroom occupied by less than 100 persons may be equipped with the same knob-operated school house type lock as is used on classroom doors leading to corridor, with no provision whatsoever for locking against egress from the classroom.

1440. TOILETS AND LAVATORIES

LIFE SAFETY

REGULATION: Toilets and Lavatories.

The operator shall provide a sufficient number and type of toileting and lavatory facilities.

EVIDENCE OF COMPLIANCE:

Minimum toilet units shall be provided at the ratio of one (1) flush toilet for each twenty (20) persons or fraction thereof. If urinals are provided for boys, they shall be counted as 1/2 toilet, provided flush toilets are also available. Trough urinals shall be counted on the basis of eighteen inches (18") of length being adequate for one (1) boy.

Children under three years of age shall not be included when determining the number of units required above.

Lavatories or wash basins, conveniently located shall be provided as follows:

One lavatory or wash basin for every two flush toilets or fraction thereof. Lavatories in gang toilets and in group training areas shall be counted.

One lavatory equipped with hot and cold water under pressure, mixing faucets, and sanitary soap and towel dispensers in the food preparation area. Facilities in operation before the effective date of these regulations shall not be required to install an additional handwashing lavatory in the food preparation area if in the opinion of the sanitarian the existing handwashing equipment is adequate.

Safe step stools shall be provided to allow standard-sized toilets and lavatories to be used. Training equipment shall be available to children who need it.

Floor area shall be adequate for toilet and lavatory units and shall not be less than 15 square feet for each toilet room with one toilet and lavatory. (Eight additional square feet of area per additional plumbing fixture is recommended.)

Facilities caring for infants shall provide a surface with clean covering for each changing process. Feces shall be disposed of through the sewage system; and soiled diapers, placed in plastic lined, covered, leakproof containers, which shall be emptied and cleaned daily.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL,
STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified